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THE GREAT EUROPEAN TREATIES OF THE NINETEENTH CENTURY

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INTRODUCTION

It is now generally accepted that the substantial basis on which International Law rests is the usage and practice of nations. And this makes it of the first importance that the facts from which that usage and practice are to be deduced should be correctly appreciated, and in particular that the great treaties which have regulated the status and territorial rights of nations should be studied from the point of view of history and international law. It is the object of this book to present materials for that study in an accessible form.

The scope of the book is limited, and wisely limited, to treaties between the nations of Europe, and to treaties between those nations from 1815 onwards. To include all treaties affecting all nations would require many volumes; nor is it necessary, for the purpose of obtaining a sufficient insight into the history and usage of European States on such matters as those to which these treaties relate, to go further back than the settlement which resulted from the Napoleonic wars. The aim of the authors is to present an historical summary of the international position at the time of each treaty; to state the points at issue and the contentions of the parties; and so to make readily accessible the materials on which international lawyers have to work. For this reason the pure law-making treaties have been omitted; the Hague Conventions, for instance, speak for themselves, and in their construction the jurist needs little help from general history.

A special chapter has been written on diplomatic forms and procedure with regard to treaties, and this must take rank as a high authority on these points. It will be found of particular value in studying the details of the negotiations which have resulted in international agreements.

With the general law relating to treaties the authors make no attempt to deal, and in that they are well-advised; both because it is beyond the province of their work, and because on some points as to the continuance and avoidance of treaties the law is still indeterminate and lawyers differ. But there is one point of law on which an opinion has been pronounced in the chapter to which reference has been made, which is a point of much present importance; and since it is one that is likely to come up for decision in the near future, it may be useful to explain it at somewhat greater length than has been possible in that chapter. It is as to the effect of war on treaties. It may be that the peace settlement will make special provision for the treaties which existed between the belligerents before war, but if that be not done questions must arise as to the revival and continuance of former treaties.

The authors state the general proposition that a treaty is terminated by the occurrence of war between the parties, 'war being considered with certain exceptions as having the effect of abrogating treaties'. That statement of the law is well founded on authority, but there has been a tendency of late to advocate another view, and there are jurists who maintain that the rule is, or at least ought to be, that, subject to certain exceptions, treaties are *suspended* only by war and revive on the return of peace. It is desirable on general

grounds to limit the effect of war on the relation of states as far as may be possible, but the usage of nations up to the present time affords no sufficient foundation for this opinion, in so far as it purports to be a statement of existing law.

The effect of war on any particular treaty must depend in the first instance on the character of the treaty itself. There are some treaties which are expressed to operate in the event of war and have been concluded with that object. Such, for instance, are the Hague Conventions and treaties providing for the neutralization of particular territories. These obviously cannot be suspended or annulled by war; on the contrary, they are brought into operation by the occurrence of war. Further, there are some treaties which affect third parties, and so far as their rights are concerned it is equally obvious as a general proposition that no belligerent can affect them by a declaration of war against any other nation. Again, there are some treaties which have been fully executed, that is, there are cases in which the obligations imposed by the treaty have been performed so that there is no longer any outstanding liability under them. Such are treaties of cession under which territory has been ceded and sovereignty assumed by the State to whom the cession has been made. It is clear that war does not divest that sovereignty, for it rests on the accomplished transfer and no longer on treaty obligation. So in the case of a treaty imposing the payment of a sum of money by way of indemnity or otherwise, and payment made; war does not open up that again, for the money has passed and the obligation of the treaty was thereupon ended. Martens and others have classified treaties such as these by the name of 'transi-

tory', because the property has passed under them. But the term is misleading to us because of the sense in which it is ordinarily used in the English language, nor is the alternative 'dispositive' suggested by later English writers much more lucid. It serves little useful purpose, however, to dwell on a question of pure terminology; the English lawyer will understand what is meant if these treaties be called 'executed'. The real reason of the exception of this class of treaties is that title rests on a completed act, and not on a treaty obligation of which the liability is still continuing.

It has been said that within the class of treaties which remain unaffected by war are included treaties which create rights over land, and are sometimes called international servitudes. But in the absence of express stipulation the usage of nations affords no sufficient foundation for the recognition of a special class of treaty rights vested with special attributes, and in particular with the attribute of permanency in spite of war, such as is assumed in the conception of international servitudes. The distinction is largely the creation of text-writers, working on the analogy of the rights known as servitudes in Roman law; a dangerous analogy since the rules of private property cannot be applied with any degree of exactness to the sovereign rights of States. There seems no reason why rights conferred by treaty on one State to be exercised in the territory of another State should be in any different position from that of other treaty rights; and, indeed, that this is so would appear from the personal element which is inherent in most such grants to a greater or less extent. State A before war may be willing to admit the subjects of State B to the enjoyment of certain rights in the A territories; but after war,

relations stand on an altogether different footing. The fact is, that the personal element enters largely into treaty concessions and that they bear no real analogy to private rights of servitude. Moreover, if that analogy were to apply at all, it must apply equally to the common case of treaties conferring rights of entering and residing for the purposes of trade, for those are rights to be exercised on the soil, if the connexion with the soil is to be the test. But any extension such as that would be opposed to well-established usage. The general question of servitudes was threshed out in the North Atlantic Fisheries Arbitration at The Hague in 1910, and the Award of the Tribunal is an express decision that treaty rights of fishing in territorial waters stand in no different position from any other treaty rights and that there is no special law of servitudes applicable to such a case, even if there be any such special class of servitude rights at all. The decision on this point has not been accepted in its entirety by all text-writers; some of them already committed to the theory of servitudes are reluctant to acquiesce in an adverse judgement. But it is thought that the Award is a correct statement of international law and that it is in accordance with the practice of nations; for though there is authority for the general doctrine of servitudes to be found in the opinion of jurists (and even they are not in agreement as to the extent and the attributes of a servitude), there is little or no precedent in the usage of nations.[1] Indeed, the investigation of the matter at The Hague demonstrated, as is submitted, that the doctrine could

[1] For instance, the French treaty-right of fishing on the Newfoundland coast (Treaty of Utrecht, 1713) was renewed in express terms after every war between France and Great Britain.

not be maintained, or at least could not be maintained to anything like the extent which has been claimed for it. The Mediatized States which formed the Germanic Confederation had mutual agreements relating to rights of way and the like which have been called servitudes, but this was a special case; the States in those respects were really in the position of landowners rather than sovereigns and the rights were analogous to those of *dominium* rather than of *imperium*. Nor has this precedent ever become part of international law. The better opinion, therefore, seems to be that so-called servitudes created by treaty stand in no different position than other treaty rights, and are affected by war in no different way.

There is another class of treaties which it seems reasonable to hold suspended only during war and to revive on the termination of hostilities, in the absence of any agreement to the contrary; such, for instance, are the treaties which provide for extradition or the mutual enforcement of judgements. These treaties are intended to be permanent, and depend on no personal considerations; they are matters of mutual convenience. But the law cannot be said to be definite on this point.

Subject to these observations the general rule is that treaties are terminated by war. And indeed this is only natural. The more common kind of treaties regulating, for instance, the alliances of States, the economic relations of States, mutual facilities for commerce—all these must obviously depend on the personal relations of the contracting parties, and, as has been already observed, those personal relations cannot fail to be affected by war. Trade with a friend is one thing, trade with a nation which has till lately been a bitter

enemy is another thing; the conditions are altered, and the rule that treaties generally are abrogated at the outbreak of war is based on good reason.

It has therefore been the common practice to make express provision in treaties of peace for the renewal or confirmation of such treaties existing before the war as the parties may agree to continue. In the absence of express provision it is of course still open to the parties to agree to the continuance in any other way, by diplomatic negotiation or by acquiescence. But in default of agreement, the general rule comes into force and treaties are held abrogated by war.

It will be observed that a large number of treaties discussed in this book fall within the class of executed contracts to which States other than belligerents are parties. But economic treaties between the belligerents are at an end, in default of provision to the contrary, and that gives to the opposing States the power of adjusting their trade relations in accordance with the altered conditions which will prevail after the war.

H. ERLE RICHARDS.

NOTE

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A. H. O.
R. B. M.

March, 1918.

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CHAPTER I

ON THE CONCLUSION OF TREATIES IN ITS TECHNICAL ASPECT

Forms of international contract — Full powers — Signature — Ratification — U.S.A. — Parliamentary authority — Ratification article — Permanent treaties — Terminable treaties — Interpretation — Tariff treaties — Extradition treaties.

USAGE has not prescribed any necessary form of international contract.[1]

Treaties, Conventions, Agreements, Declarations, &c., are all assumed to have the same binding force,[2] and their observance or repudiation are matters of conscience (or the want of it) on the part of the contracting parties, provided always that there are no considerations such as *force majeure* to prevent their fulfilment.

In order to conclude or negotiate the more formal of these instruments, that is to say, Treaties and in many instances Conventions or Agreements, it is the practice to provide the negotiator with a full power from his sovereign, or in the case of a republic from the head of the state, investing him with the necessary powers for accomplishing his mission.

Full powers, in the practice of Great Britain, are of two kinds, called, respectively, general and special full powers. An ambassador, for instance, appointed to reside at a foreign court, may be provided with a general full power covering

[1] Hall's *International Law*, 4th ed., p. 343, § 109.

[2] Treaties, and some Conventions, are concluded in the names of the Sovereigns of the respective countries. Other Conventions, and as a rule Agreements and Declarations, are concluded in the name of the respective 'Governments'. To this extent they are of a less formal nature.

any negotiations with a view to the conclusion of a treaty which he may enter upon in the course of his residence at that court; a special full power, on the other hand, is limited to a particular occasion which is indicated. Both are otherwise couched in identical terms to the following effect:

George, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas King, Defender of the Faith, Emperor of India. To all and singular to whom these Presents shall come, Greeting!

Whereas, for the better treating of and arranging any matters [*certain matters*] which are now in discussion or which may come into discussion between Us and . . . We have judged it expedient to invest a fit person with Full Power to conduct negotiations [*to conduct the said discussion*] on Our part: Know ye, therefore, that We, reposing especial Trust and Confidence in the Wisdom, Loyalty, Diligence, and Circumspection of Our [name, style and title of Plenipotentiary], have named, made, constituted and appointed, as we do by these Presents name, make, constitute and appoint him Our undoubted Commissioner, Procurator and Plenipotentiary: Giving to him all manner of Power and Authority to treat, adjust and conclude with such Minister or Ministers as may be vested with similar Power and Authority on the part of . . . any Treaty, Convention or Agreement between Us and . . . [*any Treaty, Convention or Agreement that may tend to the attainment of the above-mentioned end*] and to sign for Us and in Our name, everything so agreed upon and concluded, and to do and transact all such other matters as may appertain thereto, in as ample manner and form, and with equal force and efficacy, as We Ourselves could do, if personally present: Engaging and Promising, upon Our Royal Word, that whatever things shall be so transacted and concluded by Our said Commissioner, Procurator, and Plenipotentiary, shall, subject if necessary to Our Ratification, be agreed to, acknowledged and accepted by Us in the fullest manner, and that We will never suffer, either in the whole or in part, any person whatsoever to infringe the same, or act contrary thereto, as far as it lies in Our power.

In witness whereof We have caused the Great Seal of

Our United Kingdom of Great Britain and Ireland to be affixed to these Presents, which We have signed with Our Royal Hand.

Given at Our Court of . . . the . . . day of . . . in the year of Our Lord one thousand nine hundred and . . . and in the . . . Year of Our Reign.

The words printed in italics between square brackets are those of the *special* full power.

The document bears the Royal sign manual.

Before entering upon negotiations, the Plenipotentiaries produce to each other their respective full powers. Every treaty, after reciting in its preamble its object and the names of the Plenipotentiaries, goes on to say, ' Who, after having communicated to each other their respective Full Powers, found in good and due form, have agreed upon the following articles. . . .'

The treaty between two states which results from the negotiations thus authorized, is signed in duplicate by the respective Plenipotentiaries, and in the language of each of them in parallel columns. In a treaty between, say, Great Britain and France, the signature of the British Plenipotentiary comes first in the copy to be retained by the British Government, and that of the French Plenipotentiary last. Conversely, in the copy to be retained by the French Government the signature of the French Plenipotentiary comes first and that of the British Plenipotentiary last. Similarly, in the preamble of the English copy, the name of the English monarch is mentioned first, and in that of the French copy the name of the President of the French Republic.

On the conclusion of the treaty, the English copy is sent home for preservation amongst the British official archives, and the ratification of the Sovereign is prepared in the following form :

George, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions

beyond the seas King, Defender of the Faith, Emperor of India. To all and singular to whom these Presents shall come, Greeting !

Whereas a [Treaty or as the case may be] between Us and . . . was concluded and signed at . . . on the . . . day of . . . in the year of Our Lord one thousand nine hundred and . . . by the Plenipotentiaries of Us and of . . . duly and respectively authorized for that purpose, which [Treaty] is word for word as follows :—[here follows a copy of the Treaty from beginning to end in both texts, as in the original, including the signatures and seals (L. S.)[1] also in copy].

We, having seen and considered the [Treaty] aforesaid, have approved, accepted and confirmed the same in all and every one of its Articles and Clauses, as We do by these Presents approve, accept, confirm and ratify it for Ourselves, Our Heirs and Successors ; engaging and promising upon Our Royal Word that We will sincerely and faithfully perform and observe all and singular the things which are contained and expressed in the [Treaty] aforesaid, and that We will never suffer the same to be violated by any one, or transgressed in any manner, as far as it lies in Our power. For the greater testimony and validity of all which We have caused the Great Seal of Our United Kingdom of Great Britain and Ireland to be affixed to these Presents, which We have signed with Our Royal Hand.

Given at Our Court of . . . the . . . day of . . . in the year of Our Lord one thousand nine hundred and . . . and in the . . . year of Our Reign. [Here follows the Royal signature.]

This ratification is then sent to the British representative at the Court of the other signatory Power, to be exchanged against a similar document issuing from the latter, which is then sent home to be preserved amongst the official

[1] The letters L. S., enclosed in a circle, and placed on the left of the copy of a signature to a treaty or other document, indicate the place where the seal is affixed in the original document (*Locus sigilli*). It is usual in treaties occupying more than one folio page to connect the several pages together with a narrow ribbon of the national colours. The ends of the ribbons are then collected together on the last page of the document opposite the signatures, and the seals of the different Plenipotentiaries are impressed in wax upon them as a security against fraudulent abstraction of any of the pages.

archives. It is customary for the representative in question and the Minister for Foreign Affairs of the other signatory Power to sign a protocol recording the fact that the exchange of the ratifications has been duly effected.

In the case of a general treaty between several Powers, the ratifications are sometimes deposited in the archives of the country in which the treaty is signed, as, for instance, those of the London Treaty of March 10, 1883, respecting the navigation of the Danube; those of the General Act of Brussels of July 2, 1890, respecting the African Slave Trade, &c.: thus the multiplication of ratifications is avoided.

The practice of the United States differs in one respect from the procedure above indicated. According to the constitution of that country, the treaty-making power is vested in the Senate, to whose approval a treaty must be submitted before ratification, and there are instances on record in which the Senate has introduced amendments into a treaty as a condition of its acceptance. If such amendments are not accepted by the other party to the treaty, the treaty remains inoperative, as in the case of the Clarendon-Dallas ' Treaty of October 17, 1856, relating to Central America.[1]

In the United States a treaty duly ratified by the Senate, and entering into force, becomes *ipso facto* a portion of the law of the land. This is not so in England, and care has therefore to be taken in negotiating a treaty that its stipulations are not antagonistic to the law, or if they are so, that the law be amended so that it shall agree with the

[1] *State Papers*, vol. xlvii, p. 677. See also United States Ratification with Amendments on p. 687 of the same volume. The question whether it would be possible for the Queen to ratify an engagement which had not been signed by a Plenipotentiary on the part of Her Majesty, was incidentally raised by Lord Clarendon on the receipt of the United States Ratification with Amendments; but as the Amendments were not accepted by Great Britain, this question did not assume a concrete form, but remained an open problem (see p. 692 of the same volume).

treaty; otherwise a government may find itself in the position of being bound towards a foreign country to give effect to stipulations which the law of the land forbids it to carry out. In this connexion it may be mentioned that a stipulation involving a money payment by England has been thus guardedly worded, 'Her Majesty undertakes to recommend to Her Parliament to vote a sum of money,' or words to that effect. Another case in point is that of Heligoland. Article XII of the Anglo-German Agreement of July 1, 1890, says: 'Subject to the Assent of the British Parliament, the Sovereignty over the Island of Heligoland, together with its dependencies, is ceded by Her Britannic Majesty to His Majesty the Emperor of Germany.'[1] It has been held in some quarters that no such assent was necessary, and that it constituted a surrender of the Queen's Prerogative. Be that as it may, an Act of Parliament was passed on August 4, 1890, assenting to the carrying out of this Agreement.[2] The Commercial Treaty of 1860 with France also contained many undertakings to recommend to Parliament the reduction of duties agreed to, subject to Parliament's assent. Thus no breach of the treaty would result from any failure on the part of the Parliament to comply with the recommendation.

In the case of general treaties between several Powers, concluded as a rule in the French language, the Plenipotentiaries sign in alphabetical order of countries: thus the German Plenipotentiary would sign under the letter A (Allemagne); those of Spain and the United States under the letter E (Espagne, États-Unis). This principle was adopted in the Vienna Congress Treaty of 1815. Nevertheless, the British copy of the General Act of Brussels of 1890 (relating to the African Slave Trade) was signed first by the British Plenipotentiaries, the others following in the alphabetical order of their countries.

[1] *State Papers*, vol. lxxxii, p. 46.
[2] 53 & 54 Vic. cap. 32. *State Papers*, vol. lxxxii, p. 668.

The Treaty of Berlin, 1878,[1] presents another variation of this principle. In the preamble of the British copy, Great Britain is mentioned first, then France, then the remainder in their alphabetical order. In signing, Great Britain came first, then Turkey, then the others in alphabetical order. No absolute rule is followed. With regard to the now customary use of the French language in general treaties between several Powers, it is to be observed that every country has strictly the right to require that its own version of a treaty shall be expressed in its own language. In departing from this custom, for the sake of convenience, in the Vienna Congress Treaty of 1815, it was expressly laid down in Article CXX of that instrument that the use of the French language therein should not be construed into a precedent for the future; that every Power, therefore, reserved to itself the adoption in future negotiations and conventions of the language it has heretofore employed in its diplomatic relations; and that that treaty should not be cited as a precedent contrary to the established practice.

All treaties and conventions contain, or should contain, a ratification article. Although its absence is no bar to ratification, it sets at rest all doubt as to the intention.[2] There are instances in which the less formal 'Agreement' has received ratification, though unprovided with a stipulation requiring it.

The ratification article is generally the last one in the treaty, and is couched in terms to the following effect: 'The present Treaty [Convention] shall be ratified and the Ratifications shall be exchanged at . . . within . . . weeks, or sooner if possible.' Occasionally no limit of time is stated, the words 'as soon as possible' being employed. It has sometimes happened that when the exchange of

[1] *State Papers*, vol. lxix, p. 749.

[2] Of course, a treaty such as the 'Holy Alliance', which was signed by the Sovereigns themselves, does not require ratification.

ratifications has been delayed beyond the stipulated time, an agreement has been signed extending that time. On other occasions of the same kind the exchange has taken place notwithstanding the expiration of the period, and nothing said about it.

In modern times Treaties of *Commerce* have almost invariably been made terminable at the end of a certain specified time, subject to one of the parties thereto giving notice to the other of an intention to terminate it. Such a notice is often referred to as a 'Denunciation' of the treaty.

Article 25 of the Anglo-Belgian Treaty of Commerce and Navigation of July 23, 1862,[1] declares that 'The present Treaty shall continue in force for ten years dating from the tenth day after the exchange of the Ratifications. In case neither of the two Contracting Parties should have notified, twelve months before the end of the said period, its intention to terminate the Treaty, it shall remain in force until the expiration of a year dating from the day on which either of the High Contracting Parties shall have given notice for its termination.' An Article similar in its terms is now introduced generally into Treaties of Commerce.

In denouncing a treaty under the powers conferred by a stipulation of the above purport, no particular form or procedure is laid down. In the case of the Belgian Treaty of 1862, and of that with the Zollverein of May 30, 1865, both of which were denounced by Great Britain on July 28, 1897, the following procedure was adopted: On that date the Secretary of State for Foreign Affairs, Lord Salisbury, addressed a dispatch to the British Minister at Brussels in the following terms: 'I have to request that you will at once give notice of the intention of Her Majesty's Government to terminate the Treaty of Commerce and Navigation between Great Britain and Belgium signed on the 23rd July, 1862. In virtue of the stipulations contained in Article XXV, the Treaty will accordingly terminate upon the expiration

[1] *State Papers*, vol. lii, p. 8.

of a year dating from the day upon which you give the notice.'[1] An exactly similar dispatch (*mutatis mutandis*) was addressed on the same day to the British Ambassador at Berlin denouncing the Zollverein Treaty of 1865. The reason for these denunciations, as explained in subsequent correspondence, was that these two treaties contained an unusual stipulation under which Belgian and German merchandise, respectively, was entitled to admission to British Colonies on the same terms as merchandise from Great Britain, the mother country. This treatment extended, under the operation of the ' most favoured nation ' Article, to all other countries having commercial treaties with Great Britain. Canada was at that moment elaborating a law granting *preferential* treatment to the merchandise of the United Kingdom, in which foreign nations should not participate, and it became necessary, therefore, to get rid of the two obnoxious treaties which, as long as they continued in force, would entitle all foreign countries to participate in advantages intended for Great Britain only, thus making preferential treatment of the mother country impossible. The British representatives at Brussels and Berlin gave notice to the respective Governments, as instructed, and the two treaties lapsed in due course.

It is not unusual, and it is certainly desirable, to notify in the official press that a foreign country has denounced a treaty. In the instance quoted above, the Belgian Government announced the British denunciation of their treaty in the *Moniteur Belge* of August 1, 1897. Again, when the Hawaiian Government, in 1878, denounced certain Articles of their Treaty with Great Britain of July 10, 1851, a notice announcing the fact was published in the *London Gazette* of February 19, 1878.[2] When, in 1896, the Dominican Republic denounced their Treaty of March 6, 1850, by a Note from their Minister of Foreign Affairs to

[1] *State Papers*, vol. lxxxvi, p. 324.
[2] Ibid., vol. lxix, p. 616.

the British Secretary of State, the fact was announced in the *London Gazette* of August 21, 1896,[1] and similarly in other cases the same course has been followed.

Speaking generally, political treaties are of a permanent character, and are not made subject to termination, unless their nature is such as to render that course desirable or obvious; but there are other treaties besides those for regulating commercial intercourse, which are as a rule terminable on denunciation, for instance, Extradition Treaties and others treating of a particular subject. Article XI of the Treaty of August 9, 1842, between Great Britain and the United States, declares that the tenth Article (which deals with the Extradition of fugitive criminals) 'shall continue in force until one or the other of the parties shall signify its wish to terminate it, and no longer'.[2] The Extradition Treaty between Great Britain and Serbia of November 23, 1901, Article 18,[3] provided that 'The present Treaty . . . may be terminated by either of the High Contracting Parties at any time on giving to the other six months' notice of its intention to do so'; that between Great Britain and Spain of June 4, 1878, contained a similar stipulation (Article 17).[4] Many other instances might be quoted, such as the Agreement with Denmark of June 21, 1881, respecting merchant seamen deserters,[5] terminable on one year's notice; a similar Agreement of July 25, 1883, respecting relief of distressed seamen,[6] also terminable on one year's notice; Agreement with Portugal respecting Money Orders, January 17, 1883,[7] terminable on six months' notice, &c.

A treaty which is not, in virtue of its stipulations, terminable in the manner described, can in strictness be terminated only by mutual agreement between the contracting parties, or by the occurrence of a war between

[1] *State Papers*, vol. lxxxviii, p. 214.
[2] Ibid., vol. xxx, p. 366.
[3] Ibid., vol. xcii, p. 46.
[4] Ibid., vol. lxix, p. 12.
[5] Ibid., vol. lxxii, p. 6.
[6] Ibid., vol. lxxiv, p. 77.
[7] Ibid., vol. lxxiv, p. 5.

them, war being considered, with certain exceptions, as having the effect of abrogating treaties, or by the advent of special circumstances incompatible with its continued observance. These are matters which need not here be entered into : it will be sufficient to note one well-known instance in which an abrogation without consent has been attempted, namely, in the case of the Black Sea Articles of the Treaty of Paris of 1856, regarding which the Russian Government announced, in 1870, that it held itself to be emancipated. Great Britain replied that it had always been held that the right of releasing a party to a treaty belonged only to the Governments which had been parties to the original instrument. Russia's bare announcement of withdrawal, if acquiesced in, would result in the entire destruction of treaties in their essence. Russia thereupon abandoned the position she had taken up, and a conference was held in London at which the articles objected to were amended by common consent, and a Declaration was at the same time signed by the Powers (including Russia) on January 17, 1871, recognizing ' that it is an essential principle of the Law of Nations that no Power can liberate itself from the engagements of a Treaty, nor modify the stipulations thereof, unless with the consent of the Contracting Powers by means of an amicable arrangement '.[1] The Treaty for the revision of the Black Sea Articles of the Treaty of 1856 was signed on March 13, 1871.[2] Russia, therefore, gained her ends, or some of them, while the ' essential principle of the Law of Nations ' was vindicated by the assent of the Powers. The annexation of Bosnia and Herzegovina by Austria, on October 8, 1908, was in effect a repudiation of Article XXV of the Treaty of Berlin, July 13, 1878, although in her circular to the Powers announcing the annexation, the Austrian Government simply ignored the existence of the Treaty.

[1] *State Papers*, vol. lxi, p. 1198.
[2] Ibid., vol. lxi, p. 7.

In order to avoid disputes respecting the true interpretation of a treaty when signed in more than one language, it has occasionally been agreed that in the event of discrepancy between the different 'texts', one or other of them shall be held to convey the intentions of the negotiators. Thus, in the Treaty of Peace between Japan and Russia signed at Portsmouth (United States) on September 5, 1905,[1] it was agreed, in Article XV, as follows: 'The present Treaty shall be signed in duplicate, in both the English and French languages. The texts are in absolute conformity, but in case of discrepancy in interpretation, the French text shall prevail.'

Some commercial treaties are accompanied by a tariff of import and export duties to be charged on goods by the respective contracting parties. Others are not accompanied by any tariff, and depend mainly on the 'most favoured nation' articles. A good example of a tariff treaty is that of 1860 between Great Britain and France,[2] generally associated with the name of Richard Cobden, who was one of the Plenipotentiaries negotiating it. This treaty remained in force until May 15, 1882, when it was replaced by the Convention for the regulation of Commercial and Maritime Relations signed at Paris on February 28, 1882, which came into operation on May 16. The Treaty of January 23, 1860, contained an enumeration of articles upon which an *ad valorem* duty should be charged, and the Supplementary Conventions of October 12, 1860,[3] and November 16, 1860,[4] were accompanied by full tariffs of import duties on British goods imported into France. The changes in the duties arranged for in the Treaty of January 23 were made subject to the consent of the British Parliament.

The tariffs of 1860 came to an end by the operation of the Convention of 1882, which declared that the import

[1] *State Papers*, vol. xcviii, p. 735.
[2] Ibid., vol. l, p. 13.
[3] Ibid., vol. l, p. 31.
[4] Ibid., vol. l, p. 48.

duties should thenceforth be regulated by the internal legislation of the two countries, while in all other matters ' most favoured nation treatment ' was mutually guaranteed. The Convention also dealt with the coasting trade, fisheries, taxes, residence, shipping, patterns, trade marks, and other kindred subjects, granting either ' most favoured nation ' or ' national ' treatment.

Some of these matters, as a rule, form the subject of separate treaties or agreements. Extradition, for example, is almost always treated separately. An Extradition Treaty contains a list of crimes, the commission of any of which will entail the surrender of the criminal, and it is usual to insert an article in such a treaty to the effect that the contracting parties reserve to themselves the right to refuse to surrender their own nationals: sometimes they declare categorically that they will not surrender them.

The question of capital punishment (in the case of murder) has sometimes proved an impediment to the conclusion of an Extradition Treaty. Portugal is a case in point, but in the treaty between Great Britain and that country of October 17, 1892,[1] the difficulty was got over by the acceptance by Great Britain of a reservation in Article II to the following effect: ' The Portuguese Government will not deliver up any person either guilty or accused of any crime punishable with death.' This treaty, so far as Great Britain was concerned, was therefore incomplete, because Portugal could retrieve her murderers from Great Britain, while the latter enjoyed no reciprocity in this respect. However, the disadvantages were no doubt deemed to be overbalanced by the advantage of possessing a workable arrangement in respect of minor crimes, and the treaty, though one-sided, was concluded.

It may be useful to indicate in a few words the customary manner of proceeding on the meeting of a Congress or a

[1] *State Papers*, vol. lxxxiv, p. 83.

Conference to discuss international questions with a view to concluding a treaty for their settlement.

Such meetings, when taking place in London, are almost invariably held at the Foreign Office,[1] and a similar practice is no doubt followed at other capitals where structural arrangements permit, the respective Ministries for Foreign Affairs being the most convenient for purposes of reference to international documents.

The Paris Conferences in 1856 on the conclusion of the Crimean War, for instance, were held at the Ministry for Foreign Affairs. On that occasion, at the first meeting on February 25, the Austrian Plenipotentiary opened the proceedings by proposing that the Presidency of the Conference should be conferred upon Count Walewski, the first French Plenipotentiary, not only, he said, because precedents pointed to this course, but also because it constituted a mark of respect towards the Sovereign whose hospitality the Representatives of Europe were at that moment enjoying. This proposal having been unanimously agreed to, Count Walewski, after thanking the Plenipotentiaries for the honour conferred upon him, proposed to confide the editing of the protocols of the meetings to M. Benedetti, the Director of the political affairs of the French Foreign Office, who was thereupon introduced. The Official occupying this post is called the 'Protocolist'. The Plenipotentiaries then proceeded to the verification of their respective full powers, after which they undertook to preserve absolute secrecy as to their proceedings in Conference. Their first business was to declare an armistice between the late belligerents for the duration of the Conference.[2]

Take, again, the London Conferences of 1867 (held at the Foreign Office) on the question of the Grand Duchy

[1] The Conference of London, however, at the conclusion of the First Balkan War, 1913, was held at the Palace of St. James.

[2] *State Papers*, vol. xlvi, p. 63.

of Luxemburg. At the first meeting the Austrian Plenipotentiary proposed that Lord Stanley, the English Secretary of State for Foreign Affairs, should be invited to assume the Presidency of the Conference. Lord Stanley then proposed Mr. Julian Fane, British Secretary of Embassy at Paris, as the Protocolist, and he was introduced accordingly. Then came the verification of the full powers.[1]

The same course with little variation was adopted at the London Conference of 1883 respecting the navigation of the Danube. The German Plenipotentiary at the first meeting on February 8 proposed Earl Granville, British Secretary of State for Foreign Affairs, for the Presidency, and the latter proposed Mr. J. A. Crowe of the Consular and Diplomatic Services, as Secretary [2] (no doubt intended as a synonymous term with Protocolist).

It is to be presumed that these appointments of Officers are decided by previous understanding amongst the Plenipotentiaries, hence that unanimity which is a feature of the plenary proceedings in this connexion.

Concerning the order of discussions, a similar procedure may be to some extent adopted. For the rest, a perusal of a variety of Protocols of Conferences (or Minutes of Meetings, as they would be called in less important unofficial circumstances) leads to an impression that discussions are there conducted much on the lines of a Committee of the House of Commons when considering a Bill before the House. Members are not limited to one speech apiece, but rise from time to time to give voice to their ideas in words many or few, as the spirit moves them or the complaisance of their audience can tolerate.

[1] *State Papers*, vol. lx, p. 497. [2] Ibid., vol. lxxiv, p. 1231.

CHAPTER II

THE RESTORATION OF EUROPE

The French Revolution — The Revolutionary Wars — The First Peace of Paris — Speech of the Prince Regent — Congress of Vienna — The Final Act — The Balance of Power — Poland — France — Alexander I — The Peace of Ghent — Alliance of Three States — Italy — Colonies — Navigation of Rivers — Slave trade — Duration of Vienna Settlement — Holy Alliance — Great Britain — and the Holy Alliance — Second Peace of Paris.

Texts : The Treaty of Vienna (1815) — Epitome of Annexes.

The Congress of the European Powers which assembled at Vienna in the year 1814 was an indirect outcome of the French Revolution of the previous century, owing to the devastating wars to which that event gave rise.

The French Revolution is reckoned to have commenced with the destruction of the Bastille in July 1789. For some time previously the country, and in particular the capital, had been in a state of unrest owing, in great measure, to the unequal taxation of the people, and the privileges enjoyed in this and other respects by the aristocracy and clergy. Matters having been brought to a head, the condition of affairs rapidly went from bad to worse. The King, Louis XVI, professed, and no doubt entertained, the best intentions for ameliorating the condition of the people, though there were others who were averse from all concessions, while on the side of the people there were many leaders who from various motives were bent upon pushing matters to a crisis. The intrigues of the democratic faction were prosecuted with success. Men and women of the lowest class were instigated to go to Versailles to demand bread. Riots ensued. The King submitted to a demand that he should return to Paris,

1810
Empire of Napoleon
Dependent States
Allied States
English Miles
0 50 100 150 200
ENGLAND
LONDON
BAY OF BISCAY
FRANCE
PARIS
R. Seine
R. Loire
R. Garonne
R. Rhone
R. Rhine
KINGDOM OF SPAIN
KINGDOM OF ITALY
ROME
K. OF NAPLES
KINGDOM OF WESTPHALIA
CONFEDERATION OF THE RHINE
Gr. Duchy of Baden
K. OF WURTEMBERG
KINGDOM OF BAVARIA
KINGDOM OF SAXONY
KINGDOM OF PRUSSIA
Brandenburg
BERLIN
Duchy of Mecklenburg
Pomerania
GRAND DUCHY OF WARSAW
Silesia
R. Oder
R. Vistula
R. Elbe
Bohemia
Moravia
Galicia
EMPIRE OF AUSTRIA
VIENNA
Austria
R. Danube
Hungary
Carinthia
Styria
ILLYRIAN PROVINCES
Crostia
Dalmatia
R. Po
R. Save
Bosnia
OTTOMAN EMPIRE

where in due course he virtually became a prisoner. He escaped with the royal family in 1791, but was recaptured at Varennes and taken back to the capital, where, though still ostensibly King, he was entirely in the hands of the Assembly. Some *pourparlers* on behalf of the King had taken place with certain Continental Powers (Austria, Spain, and others) for military co-operation together with a royalist army, with a view to the restoration of tranquillity in France. The original scheme did not mature, but nevertheless a coalition of the Powers against France was effected in 1792, and the great French War was inaugurated by the invasion of France by Austrian and Prussian troops. They were repulsed by the Revolutionary Armies : the Province of Flanders was seized as well as all the Netherland Provinces except Luxemburg. Successful operations were also conducted by the Revolutionary General Custine in Germany. Savoy was also acquired by the French. In September 1792 the French Republic was proclaimed.

The success of Custine in Germany encouraged the Assembly to aim at further conquests, but its immediate attention was chiefly devoted to the process against the deposed representative of the House of Bourbon. It was proposed that he should be tried for his offences against the State. Robespierre and others denied the necessity of a trial, alleging that his criminality was undoubted, and that immediate condemnation was the proper treatment for a tyrant. However, the Girondist faction insisted on a previous inquiry, although they admitted his guilt. Louis was accordingly tried for treason against the nation, was condemned to death, and was executed on January 21, 1793. The Queen was beheaded in October of the same year.

It is easy to understand that the desperate condition of affairs in France, the anarchy, the massacres, and the outrages committed in the name of Liberty, Equality, and Fraternity, alarmed and disconcerted the monarchs and

governments of neighbouring States, who feared lest the contagion should spread within their own borders. A coalition of the Powers against France was therefore not to be wondered at. Great Britain concluded treaties of subsidy and alliance against France with several of the European Powers,[1] and hostilities became general. France declared war against England in 1793, and with the exception of an interlude of peace of one year which followed on the signature of the Treaty of Amiens in 1802, the war continued until the year 1814. Its character underwent some change as time went on. The appearance of Napoleon upon the scene, his elevation to the post of First Consul in 1799 and to the position of Emperor in 1804, his conquests and annexations of various territories, his ambition to become the arbiter of the affairs of Europe, as he was certainly the disturber of its peace, resulted finally in an alliance of the Powers against himself personally. An invasion of France took place, Paris was surrendered to the Allies on March 31, 1814, the Bourbon dynasty was restored in the person of Louis XVIII (Louis XVII had died a prisoner in France in June 1795, never having ascended the throne), and Napoleon was deported to the Island of Elba, where he arrived on May 4, 1814, Louis having entered Paris on the previous day. It was then that the ' First Peace of Paris ' was negotiated between Louis XVIII and the Allies.

This treaty, to which Great Britain, Austria, Portugal, Prussia, Russia, Spain, Sweden, and France were parties, was signed at Paris on May 30, 1814.[2]

The preamble to the British version (as laid before Parliament) declared that His Majesty the King of the

[1] The subsidy treaties are in G. F. von Martens, *Nouveau Recueil de Traités*, vols. v, vii, and Supplémens, vol. v.

[2] Separate treaties in identical terms were, in fact, concluded between France and each of the above-named Allied Powers, all dated May 30, 1814, with the exception of that with Spain, which was dated July 20. The whole, together, constitute ' The Treaty of Paris ', and are to be regarded as one document.

POLAND
in 1770
English Miles
0 50 100 200 300
Poland & Lithuania in 1770
Greatest extent of Poland & Lithuania during the first half of the 17th Century.
BALTIC SEA
GULF OF FINLAND
ST PETERSBURG
Stockholm
ESTHONIA
Swedish 1561-1721
Novgorod
LIVONIA
to Sweden 1660
to Russia 1721
Pskov
Riga
Mitau
COURLAND
Dvinsk
Polotsk
Vitebsk
Smolensk
LITHUANIA
Tilsit
Vilna
Minsk
WHITE RUSSIA
Mogilev
to Russia 1667
Danzig
Elbing
Koenigsberg
E. PRUSSIA
POMERANIA
W. PRUSSIA
R. Vistula
R. Kamena
Grodno
R. Niemen
PODLASIE
BLACK RUSSIA
Thorn
Posen
GREAT POLAND
Warsaw
Brest
R. Pripet
Chernigov
Macielowice
POLESIE
Breslau
SILESIA
Kielce
Lublin
LITTLE RUSSIA
Kiev
VOLYNIA
LITTLE POLAND
AUSTRIA
Cracow
GALICIA
Lemberg
RED RUSSIA
UKRAINA
Poltava
R. Dnieper
Bug
Turin
Human
Targovica
1673
County of Zips to Austria 1770
BESSARABIA
R. Dniester
R. Prut
Jassy
MOLDAVIA
HUNGARY
WALLACHIA

The
First Partition
of
POLAND
1772
English Miles
0 50 100 200 300
TO RUSSIA
TO PRUSSIA
TO AUSTRIA

TO PRUSSIA
TO RUSSIA
The
Second Partition
of
POLAND
1793
English Miles
0 50 100 200 300

TO PRUSSIA
TO AUSTRIA
TO RUSSIA
The
Third Partition
of
POLAND
1795
English Miles
0 50 100 200 300

United Kingdom of Great Britain and Ireland, and his Allies, on the one part, and His Majesty the King of France and of Navarre, on the other part, animated by an equal desire to terminate the long agitations of Europe and the sufferings of mankind, by a permanent peace, founded upon a just repartition of force between its States, and containing in its stipulations the pledge of its durability, &c., had named Plenipotentiaries to sign a treaty of peace and amity. The British Plenipotentiaries were Lord Castlereagh, Lord Aberdeen, Lord Cathcart, and Sir Charles Stewart, all of whom, with the French Plenipotentiary, the Prince de Bénévent, signed the British copy of the treaty.[1]

Article I contained the usual peace and friendship stipulation. Article II declared that the limits of France (with certain modifications) should be the same as they existed on January 1, 1792. Article III particularized these limits as modified. Article IV dealt with the road connecting Geneva with other parts of Swiss territory. Article V stipulated for the free navigation of the Rhine. Article VI provided for an increase of territory for Holland, for the independence of the States of Germany and the Government of Switzerland and Italy. Article VII declared that Malta should belong in full sovereignty to His Britannic Majesty. Articles VIII to XI provided for the restoration of certain colonies to France, and the cession of others to Great Britain, &c. By Article XII Great Britain guaranteed most favoured nation treatment in India to French subjects and commerce, and France undertook to erect no fortifications on her possessions on the continent of India. Article XIII replaced French fishery rights in Newfoundland on the footing of 1792. Article XV dealt with the disposal of the arsenals and ships of war, &c., found in the ports of the territories to be evacuated by France, and further declared Antwerp to be solely a commercial port.

[1] *State Papers*, vol. i, p. 151.

Kingdom of Sardinia
Austrian Dominions
Netherlands
Prussia
Germanic Confederation
Copenhagen
Hamburg
Danzig
LONDON
HANOVER
BERLIN
WARSAW
POLAND
RUSSIA
Pripet
Antwerp
BRUSSELS
DRESDEN
Breslau
SAXONY
Rouen
Seine
PARIS
Strassburg
WURTEMBERG
BAVARIA
Cracow
Bug
Dniester
Dnieper
Rhine
VIENNA
Loire
FRANCE
Berne
Budapest
Theiss
Pruth
Bordeaux
Milan
Trieste
Drave
Maros
Bayonne
Genoa
Venice
Save
Belgrade
Rhone
Florence
PAPAL
Danube
TURKISH
Marseilles
SPAIN
Corsica
to France
STATES
EMPIRE
CONSTANTINOPLE
Barcelona
ROME
Naples
KINGDOM OF TWO SICILIES
ATHENS
CENTRAL
and
EASTERN EUROPE
1815

Article XVI secured the non-molestation of individuals for action taken during the war, and Article XVII provided that inhabitants of ceded territories should be at liberty, if they thought fit, to retire to other countries within a period of six years. By Article XVIII the Allied Governments renounced all pecuniary claims on France against a similar renunciation by France. By Article XIX France undertook to liquidate all debts owing by her beyond her own territories, and Article XX provided for the execution by commissioners of the stipulations of the two preceding Articles. Articles XXI to XXXI had reference to debts, claims of individuals, *Caisses d'Amortissement*, pensions, abolition of the *Droits d'Aubaine*, restoration of documents belonging to ceded countries, &c.

Article XXXII ran as follows : ' All the Powers engaged on either side in the present war shall, within the space of two months, send Plenipotentiaries to Vienna for the purpose of regulating, in General Congress, the arrangements which are to complete the provisions of the present Treaty.'

Article XXXIII contained the usual ratification clause.

Such was the purport of the treaty known as the First Peace of Paris, to which were added some additional and secret articles touching the Austrian possessions in Italy, the territories of Sardinia, the organization of Switzerland, the acquisition of territory by Holland, the abolition of the slave trade,[1] prisoners of war, claims, the Duchy of Warsaw, and kindred subjects.

[1] The additional Article on the subject of the slave trade runs as follows: ' His Most Christian Majesty concurring without reserve in the sentiments of His Britannic Majesty with respect to a description of traffic repugnant to the principles of natural justice and of the enlightened age in which we live, engages to unite all his efforts to those of His Britannic Majesty at the approaching Congress to induce all the powers of Christendom to decree the abolition of the Slave Trade, so that the said trade shall cease universally, as it shall cease definitively, under any circumstances, on the part of the French Government in the course of five years ; and that during the said period no Slave Merchant shall import or sell Slaves except

The Prince Regent of Great Britain, in his speech closing Parliament on July 30, 1814,[1] said :

I have the satisfaction of contemplating the full accomplishment of all those objects for which the war was either undertaken or continued ; and the unexampled exertions of this country, combined with those of His Majesty's Allies, have succeeded in effecting the deliverance of Europe from the most galling and oppressive tyranny under which it has ever laboured. The restoration of so many of the ancient and legitimate Governments of the Continent affords the best prospect of the permanence of that Peace which, in conjunction with His Majesty's Allies, I have concluded : and you may rely on my efforts being directed at the approaching Congress to complete the settlement of Europe which has been already so auspiciously begun ; and to promote, upon principles of justice and impartiality, all those measures which may appear best calculated to secure the tranquillity and happiness of all the nations engaged in the late war.

The General Congress stipulated for in Article XXXII of the Treaty of Paris quoted above met accordingly at Vienna in September 1814, and concluded its labours on June 19, 1815, the General Treaty resulting therefrom being dated June 9, 1815. The British Plenipotentiaries were Lord Castlereagh, the Duke of Wellington, Lords Clancarty, Cathcart, and Stewart. Only the three latter signed the Treaty on behalf of Great Britain, the two former having been previously recalled from Vienna, the Duke of Wellington in order to take command of the army in the Netherlands to oppose Napoleon, who having escaped from Elba in March, was once more entering upon an armed resistance to the Allies. The ' Hundred Days ' culminated in Napoleon's defeat at Waterloo on June 18, 1815, and his eventual deportation to St. Helena as a prisoner, where he died in

in the Colonies of the State of which he is a subject.' See also Declaration of February 8, 1815 (Annex XV to the Congress Treaty of Vienna), *State Papers*, vol. iii, p. 971. See also Resolutions signed at Verona, November 28, 1822, *State Papers*, vol. x, p. 109.

[1] *State Papers*, vol. i, p. 11.

1821. Meanwhile, the Treaty of the Congress of Vienna[1] was signed by the Plenipotentiaries then remaining at Vienna, and Louis XVIII, reinstated on the throne, returned to Paris.

The Congress Treaty (generally known as the Final Act of the Vienna Congress) dealt with many matters concerned with the ' just repartition of force amongst the States of Europe ' alluded to in the Preamble of the Treaty of Paris of May 30, 1814. Some of these matters were not specifically treated of in the last-named treaty, but constituted the ' arrangements which were to complete ' its provisions. The Powers represented at the Vienna Congress were Great Britain, Austria, France, Portugal, Prussia, Russia, Spain, and Sweden. Spain did not sign the treaty, but she acceded to it by an Act dated June 7, 1817.

The Congress Treaty was accompanied by seventeen annexes which really formed part of the principal treaty. An epitome of them, indicating their nature and contents, will be found at the end of the treaty (page 95). Some of them are embodied verbatim or in substance in the treaty. They are enumerated in Article CXVIII.

The task virtually imposed upon the Powers assembled in Congress at Vienna, in pursuance of the provisions of the First Peace of Paris, was the reconstruction of Europe with a view mainly to the re-establishment of the ' Balance of Power ' which, in so far as it had ever existed, had been overthrown by the Napoleonic wars. In the elaboration of this idea it was inevitable that due weight should be given to considerations of expediency and compromise. The Congress had, in fact, to reconstruct a Continent which had undergone many changes during a period of twenty years. In the process of reconstruction the principle of legitimism was adopted by the Congress, and this served to eliminate certain discordant elements. Still Poland and Saxony and German nationalism continued to present

[1] *State Papers*, vol. ii, p. 3.

difficulties. Russia sought compensation in Poland in return for her sacrifices; Prussia looked for compensation from Saxony; Austria, on the other hand, was disinclined to concede to Prussia too great a preponderance in Germany; while England and France were jealous of the aggrandizement of Russia. In the end a compromise was effected, each party relinquishing a portion of its claims.

The doctrine of expediency and compromise is further illustrated by Article I of the Congress Treaty, which deals with Poland, and was said to have emanated directly from the Emperor Alexander I of Russia. In a correspondence between Great Britain and Russia in 1863, on the existing rebellion in Poland and the failure of Russia to carry out the promised reforms in that country, there appears a dispatch from Earl Russell to the British Ambassador at the Court of the Tsar alluding to the course adopted at the Congress in the matter. 'In 1815,' his Lordship wrote, 'Great Britain, Austria, France, and Prussia would have preferred to the arrangement finally made, a restoration of the ancient Kingdom of Poland as it existed prior to the first partition of 1772, or even the establishment of a new independent Kingdom of Poland, with the same limits as the present Kingdom. The great army which the Emperor Alexander then had in Poland, the important services which Russia had rendered to the Alliance, and, above all, a fear of the renewal of war in Europe, combined to make Great Britain, Austria, and Prussia accept the arrangement proposed by the Emperor Alexander, although it was, in their eyes, of the three arrangements in contemplation the one least likely to produce permanent peace and security in Europe.'[1]

The fear of a renewal of war was by no means unwarranted. The conflicting interests of the principal Powers manifested themselves in the preliminary discussions which took place prior to the meeting of the full Congress.

[1] *State Papers*, vol. liii, p. 914.

The four Powers, Great Britain, Austria, Prussia, and Russia, had, prior to the negotiation of the Peace of Paris of 1814, come to an agreement regarding certain points connected with the reconstruction of Europe, but regarding others, e. g. Poland, Prussia, and Saxony, their views were antagonistic. This seems to have been the reason for the course then adopted, namely to confine the negotiations at Paris to matters in which France was more particularly concerned, and to which she must agree in advance, relegating to a future Congress the consideration of those which promised to give rise to controversy. They could not exclude France from all participation in the Congress, but they sought to contrive a state of things under which the French Plenipotentiary should proceed to Vienna with his pen and the seal of his arms ready to affix his signature at the foot of an agreement already elaborated by the four Powers before his arrival.

Preliminary conferences took place at Vienna, to which Talleyrand, overcoming the opposition of the 'Allies', succeeded in gaining admittance; but much difficulty was experienced in relation to Poland. The Emperor Alexander offered Saxony to Prussia, Venice to Austria, but was for a long time obstinate on the subject of Poland, intimating on one occasion that he had 200,000 men in the Duchy of Warsaw, and inviting the Powers to turn him out. The date for the meeting of the plenary Congress was again and again postponed. People became anxious, asking whether Europe was about to recommence a war for the division of the spoils of Napoleon. In this state of affairs it was agreed (October 30, 1814) that although questions of importance were still pending, there was nothing to prevent the verification of the Full Powers of the Plenipotentiaries being entered on at once. This was done, and committees were appointed for the consideration of the less controversial of the subjects under discussion, one of them for German affairs in which Austria, Prussia, Bavaria, Hanover,

and Wurtemberg were represented, and another for the affairs of Switzerland in which Great Britain, Austria, Prussia, and Russia took part.

The Congress met to arrange for the verification of the Full Powers on October 30, 1814.[1]

In the meantime the Emperor Alexander had receded somewhat from the position previously taken up by him, partly owing to the tenacity of Prussia, who argued that she had been promised not only reinstatement but an augmentation of territory. She suggested that Saxony might, for instance, be transferred to a portion of the vacant country on the left bank of the Rhine, with Bonn as the capital and the Moselle as the boundary, whilst she, Prussia, should take the territory bordering on the French frontier. Alexander, not seeing his way to the acquisition of the whole of the Duchy of Warsaw, and becoming aware that he must give up his demand for the cession of Galicia by Austria, modified his views rather than risk a renewal of war. He agreed that Prussia should take part of Saxony and the province of Posen, giving up her share of the partition of 1795, namely Warsaw. England and Austria being disposed to countenance the plan, negotiations were entered into on this basis.

It is therefore apparent that although the Powers assembled in Congress were not on the whole unmindful of the general interests of Europe, some of them were nevertheless keenly alive to their own particular interests which they pressed to the verge of war. These conflicting interests had a depressing effect on the Congress, and the progress made was very slow. The Peace between Great Britain and the United States,[2] however, tended to increase the weight of British influence in the Congress, inasmuch as she was thereby enabled to avail herself of the whole of her military resources. The news of this Peace having

[1] *State Papers*, vol. ii, p. 563.
[2] Signed at Ghent, December 24, 1814; *State Papers*, vol. ii, p. 357.

reached Lord Castlereagh at Vienna on January 1, 1815, Talleyrand, the French Plenipotentiary, concerted with him with a view to common action, with the result that on January 3 a Treaty of Defensive Alliance was concluded between Great Britain, France, and Austria,[1] wherein the contracting parties reciprocally engaged to act in concert, with perfect impartiality and in complete good faith, to ensure that in execution of the Treaty of Paris the arrangements for completing its provisions be effected in a manner most conformable to the true spirit of that treaty. It went on to declare that if, in carrying out their policy thus indicated, an attack should be made on the possessions of one of the parties, the others, failing to effect an amicable intervention, would come to the assistance of the one attacked with all their available forces. Other stipulations of detail followed. The effect of this treaty was at once apparent, and all danger of war immediately vanished. In the course of February the Congress agreed to the re-establishment of the King of Saxony on his throne, this monarch at the same time renouncing all claim to the Duchy of Warsaw, and ceding a part of his kingdom to Prussia. The Congress also agreed to the retention by Austria of the portion of Eastern Galicia ceded to Warsaw in 1809: to the surrender by Prussia of parts of Poland while retaining the Grand Duchy of Posen, and receiving Swedish Pomerania, a portion of Saxony, the Rhine provinces, and territories on the right bank of the Rhine: and to the constitution of Poland as a kingdom under the sceptre of the Emperor of Russia. Thus the most difficult of the questions at issue were solved.

On Napoleon's return to France, Murat, King of Naples, failing to rouse the Italians, was defeated by the Austrians: Naples surrendered and Murat fled: Ferdinand was recalled as King of the Two Sicilies, and was recognized by the Vienna Congress. The task of settling the affairs of

[1] *State Papers*, vol. ii, p. 1001.

Italy became comparatively easy. Venice and Lombardy were left with Austria, the Legations restored to the Pope, the duchies to Austrian archdukes, Parma going to Marie Louise of Austria, Napoleon's wife.

The French colonial possessions were dealt with in the Treaty of Paris of May 30, 1814, under which some were restored, and others retained by Great Britain. The restoration of the Dutch colonies captured by Great Britain, with the exception of the Cape of Good Hope and Demarara, &c., was arranged for in the Convention between Great Britain and the Netherlands of August 13, 1814.[1] These questions were settled independently of the Vienna Congress. The Constitution of the Germanic Confederation was primarily settled by a committee of German representatives appointed by the Congress and was embodied in the Congress Treaty, to which the Constitution was itself attached as Annex IX.[2]

The Treaty of Paris, 1814 (Article V), in stipulating for the free navigation of the Rhine, committed to the future Congress the consideration of the details for giving effect to that stipulation, as well as its extension to other international rivers. Articles CVIII to CXVII of the Congress Treaty therefore laid down the principles which should regulate international rivers, viz. freedom of navigation to every one throughout the entire navigable course, subject to police regulations: uniform system of collecting duties and regulation of tariff with a view to the encouragement of trade and navigation : repairs of towing-paths by each riverain state ; no port or forced harbour dues : general arrangement to be come to. This arrangement is embodied in the Regulations of March 1815.[3]

The article touching the abolition of the slave trade was

[1] *State Papers*, vol. ii, p. 370.

[2] The Treaty of Paris, 1814 (Article 6), declared that the States of Germany should be independent, and united by a Federative Bond.

[3] See Regulations, March 1815. These form Annex XVI to the Congress Treaty. *State Papers*, vol. ii, p. 162.

introduced into the Treaty of Paris at the instance of Great Britain, and it formed Article 1 of the additional articles between Great Britain and France.[1] In it the French King engaged ' to unite all his efforts to those of His Britannic Majesty, at the approaching Congress, to induce all the Powers of Christendom to decree the abolition of the Slave Trade ', &c.

A good deal of correspondence passed between the Powers both at Paris and subsequently at Vienna on this subject. There was much opposition in France and in the French Chambers to the abolition of the traffic, although the Government expressed themselves anxious to do their utmost to accomplish it. With Spain matters were more difficult, as it was deemed that the abolition would result in the ruin of the Spanish colonies : the King, however, promised to consider what could be done consistently with the requirements of these possessions. Portugal engaged to take steps for the gradual extinction of the trade and its immediate limitation to certain localities. At Vienna Lord Castlereagh had audience of the Emperors of Russia and Austria and the King of Prussia, all of whom undertook to use their influence to bring about the abolition of the trade. The question was debated in Congress on the 16th, 20th, and 28th January, and the 4th and 8th February, 1815, the Plenipotentiaries of all the eight Powers being present.[2] The desirability of the abolition of the slave trade was unanimously agreed to ' in principle '. The time for its total abolition remained in dispute. Great Britain hinted at the possibility of the exclusion from her ports of the produce of slave labour until the discontinuance of the traffic ; Spain and Portugal foreshadowed a resort to reprisals in such an eventuality. A compromise was finally effected, and a Declaration was signed on February 8 to the effect that the Powers, whilst sincerely desirous of

[1] *State Papers*, vol. ii, p. 172.
[2] Ibid., vol. iii, p. 949.

putting a stop as soon as possible to the traffic in slaves, recognized that this general declaration could not lay down beforehand the exact period which each particular Power might judge to be the most convenient for its definitive cessation : therefore the fixing of that period must be the subject of negotiations between the several Powers.[1] This Declaration was attached to the Congress Treaty as Annex XV.

The slave trade question was further developed at the Congress of Verona in 1823.[2]

These various matters were settled by the Plenipotentiaries in Congress to the best of their abilities, and they constituted the best available arrangement for ensuring the Balance of Power and the permanency of the Peace. The territorial distribution was not destined nor probably expected to be durable for all time, but much of it lasted for more than a generation. In 1830 the blending of Holland and Belgium proved a failure, and by the Treaties of 1831 and 1839 the connexion between the two was severed. In 1859 the Balance of Power was disturbed, and Lombardy and the duchies were wrested from Austria and added to the Sardinian Crown, which also acquired Sicily a little later on and the Papal territories. In 1864 Denmark was dismembered and the Elbe duchies seized by Austria and Prussia. In 1866 the Germanic Confederation was abolished and the North German Confederation (to the exclusion of Austria) was set up in its place, while Austria was further deprived of the Lombardo-Venetian kingdom, which was added to Sardinia. Sardinia then became the Kingdom of Italy. In 1870 the Balance of Power was further disturbed, and the German States (again to the exclusion of Austria) formed themselves into a German Empire, and destroyed the pre-existing boundaries of France by the annexation

[1] *State Papers*, vol. iii, p. 971.
[2] Ibid., vol. x, pp. 89–110.

of Alsace and Lorraine. In 1905 the union between Sweden and Norway was dissolved.

To this extent the arrangements elaborated at the Vienna Congress have in the course of years had to give way to popular or autocratic pressure which could probably not have been foreseen or usefully counteracted at the time.

It was perhaps with a view to strengthening the work of the Congress that the sovereigns of Austria, Prussia, and Russia on September 26, 1815, concluded at Paris the treaty commonly called the ' Holy Alliance '.[1]

In this somewhat unusual document it was intimated as a preliminary statement that

> Their Majesties the Emperor of Austria, the King of Prussia, and the Emperor of Russia having, in consequence of the great events which have occurred in the course of the three last years in Europe, and especially of the blessings which it has pleased Divine Providence to shower down upon those States which place their confidence and their hope on it alone, acquired the intimate conviction of the necessity of settling the steps to be observed by the Powers, in their reciprocal relations, upon the sublime truths which the Holy Religion of our Saviour teaches ; They solemnly declare that the present Act has no other object than to publish in the face of the whole world their fixed resolution, both in the administration of their respective States and in their political relations with every other Government, to take for their sole guide the precepts of that Holy Religion, namely the precepts of Justice, Christian Charity and Peace, which far from being applicable only to private concerns must have an immediate influence on the Councils of Princes and guide all their steps as being the only means of consolidating human institutions and remedying their imperfections. In consequence Their Majesties have agreed upon the following articles.[2]

Article I declared that

> Conformably to the words of the Holy Scriptures which command all men to consider each other as brethren he

[1] *State Papers*, vol. iii, p. 211. [2] Ibid.

three contracting Monarchs will remain united by the bonds of a true and indissoluble fraternity, and considering each other as fellow countrymen, they will on all occasions and in all places lend each other aid and assistance ; and regarding themselves towards their subjects and armies as fathers of families, they will lead them in the same spirit of fraternity with which they are animated, to protect Religion, Peace and Justice.

Article II says :

In consequence, the sole principle of force, whether between the said Governments or between their subjects, shall be that of doing each other reciprocal service, and of testifying by unalterable goodwill the mutual affection with which they ought to be animated, to consider themselves all as members of one and the same Christian nation ; the three allied Princes looking on themselves as merely delegated by Providence to govern three branches of the One family, namely Austria, Prussia and Russia, thus confessing that the Christian world of which they and their people form a part has in reality no other Sovereign than Him to whom alone power really belongs. . . .Their Majesties consequently recommend to their people, with the most tender solicitude, as the sole means of enjoying that peace which arises from a good conscience, and which alone is durable, to strengthen themselves every day more and more in the principles and exercise of the duties which the Divine Saviour has taught to mankind.

Article III, and last, invited all the Powers who avowed the sacred principles indicated to join in this Holy Alliance.

It is stated in Martens' *Recueil de Traités*[1] that the greater part of the Christian Powers acceded to this treaty. France acceded to it in 1815 ; the Netherlands and Wurtemberg did so in 1816 ; and Saxony, Switzerland, and the Hanse Towns in 1817. But neither the Pope nor the Sultan were invited to accede.[2]

[1] See Note on p. 319 of Hertslet's *Map of Europe by Treaty*.

[2] In view of the frequent references to Christianity in the treaty, the exclusion of the Sultan is less surprising than that of the Pope

The accession of Great Britain to the Holy Alliance was invited by the signatories in a royal letter to the Prince Regent in which the object of the compact was again set forth, and a copy of the treaty enclosed. The Prince Regent replied in a similar letter to the three Sovereigns, in which His Royal Highness stated his entire concurrence in the principles they had laid down of making the Divine Precepts of the Christian religion the invariable rule of their conduct, maxims which he would himself endeavour to practice, whilst co-operating with his august allies in all measures which might be likely to contribute to the peace and happiness of mankind; but His Royal Highness intimated that the forms of the British Constitution precluded him from acceding formally to the treaty in the shape in which it had been presented to him.[1] This did not of course constitute an accession to the treaty.

It was mainly on the strength of the Holy Alliance that the three monarchs met in Conference at Troppau and at Laibach in 1820 and 1821, when they decided to intervene forcibly for the suppression of the revolution then convulsing Naples. Great Britain stood aloof from these proceedings and withheld its approval, on the principle of non-intervention in the internal affairs of a foreign country unless under special circumstances threatening the safety of the intervenor.

The stipulations of the Act of Vienna and of the First Peace of Paris were modified by the Treaty of November 20, 1815, known as the Second Peace of Paris,[2] necessitated by the Napoleonic adventure of the Hundred Days. It was therein declared that the boundaries of France should be the same as in 1790[3] with certain modifications. France was thus mulcted in certain small portions of territory.

[1] *State Papers*, vol. iii, p. 212. [2] Ibid., p. 280.
[3] Instead of 1792 as stipulated in the First Peace of Paris.

She was also condemned to a payment of 700,000,000 francs, the territory and the money together constituting a war indemnity.

GENERAL TREATY BETWEEN GREAT BRITAIN, AUSTRIA, FRANCE, PORTUGAL, PRUSSIA, RUSSIA, SPAIN, AND SWEDEN.—Signed at Vienna, 9th June, 1815.[1]

English Version as presented to Parliament.

In the Name of the Most Holy and Undivided Trinity.

The Powers who signed the Treaty concluded at Paris on the 30th of May, 1814, having assembled at Vienna, in pursuance of Article XXXII of that Act, with the Princes and States their Allies, to complete the provisions of the said Treaty, and to add to them the arrangements rendered necessary by the state in which Europe was left at the termination of the last war; being now desirous to embrace, in one common transaction, the various results of their negotiations, for the purpose of confirming them by their reciprocal Ratifications, have authorised their Plenipotentiaries to unite, in a general Instrument, the regulations of superior and permanent interest, and to join to that Act, as integral parts of the arrangements of Congress, the Treaties, Conventions, Declarations, Regulations, and other particular Acts, as cited in the present Treaty. And the above-mentioned Powers having appointed Plenipotentiaries to the Congress, that is to say :—

[Here follow the names of the Plenipotentiaries.]

Such of the above Plenipotentiaries as have assisted at the close of the negotiations, after having produced their full powers, found in good and due form, have agreed to place in the said general Instrument the following Articles, and to affix to them their signatures :—

Arrangements respecting the ancient Duchy of Warsaw.

ARTICLE I. The Duchy of Warsaw, with the exception of the provinces and districts which are otherwise disposed of by the following Articles, is united to the Russian Empire. It shall be irrevocably attached to it by its Constitution, and be possessed by His Majesty the Emperor of

[1] The original French version is in *State Papers*, vol. ii, p. 3.

all the Russias, his heirs and successors in perpetuity. His Imperial Majesty reserves to himself to give to this State, enjoying a distinct administration, the interior improvement which he shall judge proper. He shall assume with his other titles that of Czar, King of Poland, agreeably to the form established for the titles attached to his other possessions.

The Poles, who are respective subjects of Russia, Austria, and Prussia, shall obtain a Representation and National Institutions, regulated according to the degree of political consideration, that each of the Governments to which they belong shall judge expedient and proper to grant them.[1]

Boundaries of the Grand Duchy of Posen.

ARTICLE II. The part of the Duchy of Warsaw which His Majesty the King of Prussia shall possess in full sovereignty and property, for himself, his heirs, and successors, under the title of the Grand Duchy of Posen, shall be comprised within the following line :—

Proceeding from the frontier of Eastern Prussia to the village of Neuhoff, the new limit shall follow the frontier of Western Prussia, such as it subsisted from 1772 to the Peace of Tilsit[2] to the village of Leibitsch, which shall belong to the Duchy of Warsaw ; from thence shall be drawn a line, which, leaving Kompania, Grabowiec, and Szczytno to Prussia, passes the Vistula, near the last-mentioned place, from the other side of the river, which falls into the Vistula opposite Szczytno, to the ancient limit of the district of the Netze, near Gross-Opoczko, so that Sluzewo shall belong to the Duchy, and Przybranowa, Holländer, and Maciejevo, to Prussia. From Gross-Opoczko it shall pass by Chlewiska, which shall remain to Prussia, to the village of Przybyslaw, and from thence by the villages of Piaski, Chelmce, Witowiczki, Kobylinka, Woyczyn, Orchowo, to the town of Powidz.

From Powidz it shall continue by the town of Slupce

[1] By a Russian Manifesto of February 14/26, 1832, the Kingdom of Poland was declared to be perpetually united to the Russian Empire, and to form an integral part thereof. The British Government protested against this Manifesto on July 3, 1832, as being an infraction of the Vienna Congress Treaty. (See Hertslet's *Map of Europe by Treaty*, vol. i, p. 94, footnote.)

[2] Treaty of Tilsit, 1807.

to the point of confluence of the rivers Wartha and Prosna.

From this point it shall reascend the course of the river Prosna to the village of Koscielnawies, to within one league of the town of Kalisch.

Then leaving to that town (on the side of the left bank of the Prosna), a semi-circular territory measured by the distance from Koscielnawies to Kalisch, the line shall return to the course of the Prosna, and shall continue to follow it, reascending by the towns of Grabow, Wieruszow, Boleslawiec, so as to terminate near the village of Gola, upon the frontier of Silesia, opposite Pitschin.

Salt-Mines of Wieliczka.

ARTICLE III. His Imperial and Royal Apostolic Majesty shall possess, in full property and sovereignty, the salt-mines of Wieliczka, and the territory thereto belonging.

Boundaries between Galicia and Russia.

ARTICLE IV. The way or bed (*Thalweg*) of the Vistula shall separate Galicia from the territory of the Free Town of Cracow. It shall serve at the same time as the frontier between Galicia and that part of the ancient Duchy of Warsaw united to the States of His Majesty the Emperor of all the Russias, as far as the vicinity of the town of Zavichost.

From Zavichost to the Bug, the dry frontiers shall be determined by the line drawn in the Treaty of Vienna of 1809, excepting such modifications as by common consent may be thought necessary to be introduced.

The frontier from the Bug shall be re-established on this side (*de ce côté*) between the two Empires, such as it was before the said Treaty.

Restitution of Districts separated from Eastern Galicia.

ARTICLE V. His Majesty the Emperor of all the Russias cedes to His Imperial and Royal Apostolic Majesty the districts which have been separated from Eastern Galicia, in consequence of the Treaty of Vienna of 1809,[1] from the

[1] Extract from the Treaty of Peace between Austria and France.—Vienna, 14 Oct. 1809: Art. III § 5. His Majesty the Emperor of Austria cedes to His Majesty the Emperor of Russia, in the

Circles of Zloczow, Brzezan, Tarnopol, and Zalesczyk, and the frontiers on this side (*de ce côté*) shall be re-established, such as they were before the date of the said Treaty.

Cracow declared a Free Town.

ARTICLE VI. The Town of Cracow, with its Territory, is declared to be for ever a Free, Independent, and strictly Neutral City, under the Protection of Austria, Russia, and Prussia.

Boundaries of the Territory of Cracow.

ARTICLE VII. The territory of the Free Town of Cracow shall have for its frontier upon the left bank of the Vistula a line, which, beginning at the spot near the village of Woliça, where a stream falls into the Vistula, shall ascend this stream by Cio, and Koscielniki as far as Czulice, so that these villages may be included in the district of the Free Town of Cracow; from thence passing along the frontiers of these villages the line shall continue by Dzickanovice, Garlice, Tomaszow, Karniowice, which shall also remain in the territory of Cracow, to the point where the limit begins which separates the district of Krzeszovice from that of Olkusz; from thence it shall follow this limit between the two said provinces, till it reaches the frontiers of Silesian Prussia.

Privileges granted to Podgorze.

ARTICLE VIII. His Majesty the Emperor of Austria, wishing particularly to facilitate as much as possible on his part, the commercial relations, and good neighbourhood between Galicia and the Free Town of Cracow, grants for ever to the town of Podgorze, the privileges of a Free Commercial Town, such as are enjoyed by the town of Brody. This liberty of commerce shall extend to a distance of 500 toises from the barrier of the suburbs of the town of Podgorze.

In consequence of this perpetual concession, which nevertheless shall not affect the rights of sovereignty of His Imperial and Royal Apostolic Majesty, the Austrian custom-

Easternmost portion of Ancient Gallicia, a territory comprising a population of 400,000 souls, in which the town of Brody shall not be included. This territory shall be amicably delimited by Commissioners of the two Empires.

houses shall be established only in places situated beyond that limit. No military establishment shall be formed that can menace the Neutrality of Cracow, or obstruct the liberty of commerce which His Imperial and Royal Apostolic Majesty grants to the town and district of Podgorze.

Neutrality of Cracow.

ARTICLE IX. The Courts of Russia, Austria, and Prussia engage to respect, and to cause to be always respected, the Neutrality of the Free Town of Cracow and its Territory. No armed force shall be introduced upon any pretence whatever.

On the other hand it is understood and expressly stipulated that no asylum shall be afforded in the Free Town and territory of Cracow to fugitives, deserters, and persons under prosecution, belonging to the country of either of the High Powers aforesaid ; and in the event of the demand of their surrender by the competent authorities, such individuals shall be arrested and given up without delay, and conveyed, under a proper escort, to the guard appointed to receive them at the frontier.

Constitution, Academy, and Bishopric of Cracow.

ARTICLE X. The dispositions of the Constitution of the Free Town of Cracow, concerning the Academy, the Bishopric, and Chapter of that town, such as they are specified in Articles VII, XV, XVI, and XVII of the Additional Treaty relative to Cracow, which is annexed to the present General Treaty, shall have the same force and validity as if they were textually inserted in this Act.

General Amnesty in Poland.

ARTICLE XI. A full, general, and special Amnesty shall be granted in favour of all individuals, of whatever rank, sex, or condition they may be.

Sequestrations removed.

ARTICLE XII. In consequence of the preceding Article, no person in future shall be prosecuted or disturbed, in any manner, by reason of any participation, direct or indirect, at any time, in the political, civil, or military events

in Poland. All proceedings, suits, or prosecutions are considered as null, the sequestrations and provisional confiscations shall be taken off, and every Act promulgated on this ground shall be of no effect.

Exception to preceding Article.

ARTICLE XIII. From these general regulations on the subject of confiscation are excepted all those cases in which edicts or sentences, finally pronounced, have already been fully executed, and have not been annulled by subsequent events.

Free Navigation of Rivers in Poland.

ARTICLE XIV. The principles established for the free navigation of Rivers and Canals, in the whole extent of ancient Poland, as well as for the trade to the ports, for the circulation of articles the growth and produce of the different Polish provinces, and for the commerce, relative to goods *in transitu*, such as they are specified in Articles XXIV, XXV, XXVI, XXVIII, and XXIX of the Treaty between Austria and Russia, and in Articles XXII, XXIII, XXIV, XXV, XXVIII, and XXIX of the Treaty between Russia and Prussia, shall be invariably maintained.

Cessions by the King of Saxony to the King of Prussia.

ARTICLE XV. His Majesty the King of Saxony renounces in perpetuity for himself, and all his descendants and successors, in favour of His Majesty the King of Prussia, all his right and title to the provinces, districts, and territories, or parts of territories, of the Kingdom of Saxony, hereafter named; and His Majesty the King of Prussia shall possess those countries in complete sovereignty and property, and shall unite them to his Monarchy. The districts and territories thus ceded shall be separated from the rest of the Kingdom of Saxony by a line, which henceforth shall form the frontier between the Prussian and Saxon territories, so that all that is comprised in the limit formed by this line shall be restored to His Majesty the King of Saxony; but His Majesty renounces all those districts and territories that are situated beyond that line, and which belonged to him before the war.

The line shall begin from the frontiers of Bohemia, near Wiese, in the neighbourhood of Seidenberg, following the

stream of the River Wittich, until its junction with the Neisse.

From the Neisse it shall pass to the Circle of Eigen, between Tauchritz, which shall belong to Prussia, and Bertschoff, which shall remain to Saxony; then it shall follow the northern frontier of the Circle of Eigen, to the angle between Paulsdorf and Ober-Sohland; thence it shall be continued to the limits that separate the Circle of Görlitz from that of Bautzen, in such a manner that Ober, Mittel and Nieder Sohland, Olisch, and Radewitz remain in the possession of Saxony.

The great post road between Görlitz and Bautzen shall belong to Prussia, as far as the limits of the said Circles. Then the line shall follow the frontier of the Circle to Dubrauke; it shall then extend upon the heights to the right of the Löbauer-Wasser, so that this rivulet, with its two banks, and the places upon them, as far as Neudorf, shall remain, with this village, to Saxony.

The line shall then fall again upon the Spree, and the Schwarzwasser; Liska, Hermsdorf, Ketten, and Solchdorf are assigned to Prussia.

From the Schwarz-Elster, near Solchdorf, a right line shall be drawn to the frontier of the Lordship of Königsbruck, near Gross-graebchen. This lordship remains to Saxony, and the line shall follow its northern boundary as far as the Bailiwick of Grossenhayn, in the neighbourhood of Ortrand. Ortrand, and the road from that place by Merzdorf, Stolzenhayn, Gröbeln, and Mühlberg (with the villages on that road, so that no part of it remain beyond the Prussian territory) shall be under the Government of Prussia. The frontier from Gröbeln shall be traced to the Elbe near Fichtenberg, and then shall follow the Bailiwick of Mühlberg. Fichtenberg shall be the property of Prussia.

From the Elbe to the frontier of the country of Merseburg, it shall be so regulated that the Bailiwicks of Torgau, Eilenburg, and Delitsch, shall pass to Prussia, while those of Oschatz, Wurzen, and Leipsic, shall remain to Saxony. The line shall follow the frontier of these bailiwicks, dividing some inclosures and demi-inclosures. The road from Mühlberg to Eilenburg shall be wholly within the Prussian territory.

From Podelwitz (belonging to the Bailiwick of Leipsic, and remaining to Saxony) as far as Eytra, which also re-

mains to her, the line shall divide the country of Merseburg in such a manner that Breitenfeld, Haenichen, Gross and Klein-Dolzig, Mark-Ranstädt and Knaut-Nauendorf, remain to Saxony; and Modelwitz, Skenditz, Klein-Liebenau, Alt-Ranstädt, Schkoehlen, and Zietschen, pass to Prussia.

From thence the line shall divide the Bailiwick of Pegau between the Floss-graben and the Weisse-Elster; the former, from the point where it separates itself above the town of Crossen (which forms part of the Bailiwick of Haynsburg) from the Weisse-Elster to the point where it joins the Saale, below the town of Merseburg, shall belong, in its whole course between those two towns, with both its banks, to the Prussian territory.

From thence, where the frontier touches upon that of the country of Zeitz, the line shall follow it as far as the boundary of the country of Altenburg, near Luckau.

The frontiers of the Circle of Neustadt, which wholly falls under the dominion of Prussia, remain untouched.

The inclosures of Voigtland, in the district of Reuss, that is to say Gefäll, Blintendorf, Sparenberg, and Blankenberg, are comprised in the share of Prussia.

Titles to be assumed by the King of Prussia.

ARTICLE XVI. The provinces and districts of the Kingdom of Saxony, which are transferred to the dominion of His Majesty the King of Prussia, shall be distinguished by the name of the Duchy of Saxony, and His Majesty shall add to his Titles those of Duke of Saxony, Landgrave of Thuringia, Margrave of the two Lusatias, and Count of Henneberg.

His Majesty the King of Saxony shall continue to bear the title of Margrave of Upper Lusatia.

His Majesty shall also continue, with relation to, and in virtue of his right of eventual succession to the possessions of the Ernestine branch, to bear the title of Landgrave of Thuringia and Count of Henneberg.

Guarantee of the Cessions indicated in Article XV.

ARTICLE XVII. Austria, Russia, Great Britain, and France guarantee to His Majesty the King of Prussia, his descendants and successors, the possession of the countries marked out in Article XV, in full property and sovereignty.

Renunciation by the Emperor of Austria of Rights of Sovereignty over Lusatia.

ARTICLE XVIII. His Imperial and Royal Apostolic Majesty, wishing to give to the King of Prussia a fresh proof of his desire to remove every object of future discussion between their two Courts, renounces for himself and his successors his rights of Sovereignty over the Margraviates of Upper and Lower Lusatia, which belonged to him as King of Bohemia, as far as these rights concern the portion of these provinces placed under the dominion of His Majesty the King of Prussia by virtue of the Treaty with His Majesty the King of Saxony, concluded at Vienna on the 18th May, 1815.

As to the right of reversion of His Imperial and Royal Apostolic Majesty to the said portion of the Lusatias united to Prussia, it is transferred to the House of Brandenburg now reigning in Prussia, His Imperial and Royal Apostolic Majesty reserving to himself and his successors, the power of resuming that right in the event of the extinction of the said reigning House.

His Imperial and Royal Apostolic Majesty renounces also in favour of His Prussian Majesty, the districts of Bohemia inclosed within the part of Upper Lusatia ceded by the Treaty of the 18th May, 1815, to his Prussian Majesty, which districts comprehend the places of Güntersdorf, Taubentraenke, Neukretschen, Nieder-Gerlachsheim, Winkel, and Ginkel, with their territories.

Reciprocal Renunciation of Feudal Rights.

ARTICLE XIX. His Majesty the King of Prussia and His Majesty the King of Saxony, wishing particularly to remove every object of future contest or dispute, renounce, each on his own part, and reciprocally in favour of one another, all feudal rights or pretensions which they might exercise or might have exercised beyond the frontiers fixed by the present Treaty.

Reciprocal Freedom of Emigration.

ARTICLE XX. His Majesty the King of Prussia promises to direct that proper care be taken relative to whatever may affect the property and interests of the respective subjects, upon the most liberal principles.

The present Article shall be observed, particularly with regard to the concerns of those individuals who possess property both under the Prussian and Saxon Governments, to the commerce of Leipsic, and to all other objects of the same nature ; and in order that the individual liberty of the inhabitants, both of the ceded and other provinces, may not be infringed, they shall be allowed to emigrate from one territory to the other, without being exempted, however, from military service, and after fulfilling the formalities required by the laws. They may also remove their property without being subject to any fine or drawback (*Abzugsgeld*).

Property of Religious Establishments.

Article XXI. The communities, corporations, and religious establishments, and those for public instruction in the provinces ceded by His Majesty the King of Saxony to Prussia, or in the provinces and districts remaining to His Saxon Majesty, shall preserve their property, whatever changes they may undergo, as well as the rents becoming due to them, according to the act of their foundation, or which they have acquired by a legal title since that period under the Prussian and Saxon Governments ; and neither party shall interfere in the administration and in the collection of the revenues, provided that they be conducted in a manner conformable to the laws, and that the charges be defrayed, to which all property or rents of the like nature are subjected, in the territory in which they occur.

General Amnesty in Saxony.

Article XXII. No individual domiciliated in the provinces which are under the dominion of His Majesty the King of Saxony, any more than an individual domiciliated in those which by the present Treaty pass under the dominion of the King of Prussia, shall be molested in his person, his property, rents, pensions, or revenues of any kind, in his rank or dignities, nor be prosecuted or called to account in any manner for any part which he, either in a civil or military capacity, may have taken in the events that have occurred since the commencement of the war, terminated by the Peace concluded at Paris on the 30th of May, 1814.

This Article equally extends to those who, not being domiciliated in either part of Saxony, may possess in it landed property, rents, pensions or revenues of any kind.

Designation of Provinces of which Prussia resumes Possession.

Article XXIII. His Majesty the King of Prussia having in consequence of the last war, reassumed the possession of the provinces and territories which had been ceded by the Peace of Tilsit[1] it is acknowledged and declared by the present Article that His Majesty, his heirs and successors, shall possess anew, as formerly, in full property and Sovereignty, the following countries, that is to say;

Those of his ancient provinces of Poland specified in Article II;

The City of Dantzig and its territory, as the latter was determined by the Treaty of Tilsit[2];

The Circle of Cottbus;

The Old March;

The part of the Circle of Magdeburg situated on the left bank of the Elbe, together with the Circle of the Saale;

The Principality of Halberstadt, with the Lordships of Derenburg, and of Hassenrode;

The Town and Territory of Quedlinburg (save and except the rights of Her Royal Highness the Princess Sophia Albertine of Sweden, Abbess of Quedlinburg, conformably to the arrangements made in 1803);

The Prussian part of the County of Mansfeld;

The Prussian part of the County of Hohenstein;

The Eichsfeld;

The Town of Nordhausen with its territory;

The Town of Mühlhausen with its territory;

The Prussian part of the district of Trefourt with Dorla;

The Town and Territory of Erfurth, with the exception of Klein-Brembach and Berlstedt, inclosed in the Principality of Weimar, ceded to the Grand Duke of Saxe-Weimar by Article XXXIX;

The Bailiwick of Wandersleben, belonging to the County of Unter-gleichen;

The Principality of Paderborn, with the Prussian part of the Bailiwicks of Schwallenberg, Oldenburg, and Stoppel-

[1] Treaty of Tilsit, 1807.

[2] Article VI. La Ville de Danzig avec un territoire de 2 lieues de Rayon autour de son enceinte.

berg, and the jurisdictions (*Gerichte*) of Hagendorn and Odenhausen, situated in the territory of Lippe ;

The County of Mark, with the part of Lipstadt belonging to it ;

The County of Werden ;

The County of Essen ;

The part of the Duchy of Cleves on the right bank of the Rhine, with the town and fortress of Wesel ; the part of the Duchy, situated on the left bank, specified in Article XXV ;

The secularised Chapter of Èlten ;

The Principality of Munster, that is to say, the Prussian part of the former Bishopric of Munster, with the exception of that part which has been ceded to His Britannic Majesty, King of Hanover, in virtue of Article XXVII ;

The secularised Provostship of Cappenburg ;

The County of Tecklenburg ;

The County of Lingen, with the exception of that part ceded to the kingdom of Hanover by Article XXVII ;

The Principality of Minden ;

The County of Ravensburg ;

The secularised Chapter of Herford ;

The Principality of Neufchatel, with the County of Valengin, such as their Frontiers are regulated by the Treaty of Paris, and by Article LXXVI of this General Treaty.

The same disposition extends to the rights of Sovereignty and *suzeraineté* over the County of Wernigerode, to that of high protection over the County of Hohen-Limbourg, and to all the other rights or pretensions whatsoever which His Prussian Majesty possessed and exercised, before the Peace of Tilsit, and which he has not renounced by other Treaties, Acts, or Conventions.

Prussian Possessions on this side (en deça) *of the Rhine.*

Article XXIV. His Majesty the King of Prussia shall unite to his Monarchy in Germany, on this side of the Rhine, to be possessed by him and his successors in full property and Sovereignty, the following countries :

The provinces of Saxony designated in Article XV, with the exception of the places and territories ceded, in virtue of Article XXXIX, to His Highness the Grand Duke of Saxe-Weimar ;

The territories ceded to Prussia by His Britannic Majesty, King of Hanover, by Article XXIX ;

Part of the Department of Fulda, and such of the territories comprehended therein as are specified in Article XL ;

The Town and Territory of Wetzlar, according to Article XLII ;

The Grand Duchy of Berg with the Lordships of Hardenberg, Broik, Styrum, Schöller and Odenthal, formerly belonging to the said Duchy under the Palatine Government ;

The districts of the ancient Archbishopric of Cologne, lately belonging to the Grand Duchy of Berg ;

The Duchy of Westphalia, as lately possessed by His Royal Highness the Grand Duke of Hesse ;

The County of Dortmund ;

The Principality of Corbey ;

The Mediatised Districts specified in Article XLIII.

The ancient possessions of the House of Nassau-Dietz, having been ceded to Prussia by His Majesty the King of the Netherlands, and a part of these possessions having been exchanged for the districts belonging to their Serene Highnesses the Duke and Prince of Nassau, the King of Prussia shall possess them, in Sovereignty and property, and unite them to his monarchy ;

1. The Principality of Siegen with the Bailiwicks of Burbach and Neunkirchen, with the exception of a part containing 12,000 inhabitants, to belong to the Duke and Prince of Nassau ;

2. The Bailiwicks of Hohen-Solms, Greifenstein, Braunfels, Frensberg, Friedewald, Schönstein, Schönberg, Altenkirchen, Altenwied, Dierdorf, Neuerburg, Linz, Hammerstein, with Engers and Heddesdorf ; the town and territory (*Banlieue, Gemarkung*) of Neuwied ; the parish of Ham, belonging to the Bailiwick of Hackenberg ; the parish of Horhausen, constituting part of the Bailiwick of Hersbach, and the parts of the Bailiwicks of Vallendar and Ehrenbreitstein, on the right bank of the Rhine, designated in the Convention concluded between His Majesty the King of Prussia and their Serene Highnesses the Duke and Prince of Nassau, annexed to the present Treaty.

Prussian Possessions on the left bank of the Rhine.

ARTICLE XXV. His Majesty the King of Prussia shall also possess in full property and Sovereignty, the countries

on the left bank of the Rhine, included in the frontier hereinafter designated :

This frontier shall commence on the Rhine at Bingen ; it shall thence ascend the course of the Nahe to the junction of this river with the Glan, and along the Glan to the village of Medart, below Lauterecken ; the towns of Kreutznach and Meisenheim, with their territories, to belong entirely to Prussia ; but Lauterecken and its territory to remain beyond the Prussian frontier. From the Glan the frontier shall pass by Medart, Merzweiler, Langweiler, Nieder and Ober-Feckenbach, Ellenbach, Creunchenborn, Answeiler, Cronweiler, Nieder-Brambach, Burbach, Boschweiler, Heubweiler, Hambach, and Rintzenberg, to the limits of the Canton of Hermeskeil ; the above places shall be included within the Prussian frontiers, and shall, together with their territories, belong to Prussia.

From Rintzenberg to the Sarre the line of demarcation shall follow the cantonal limits, so that the Cantons of Hermeskeil and Conz (in which latter, however, are excepted the places on the left bank of the Sarre) shall remain wholly to Prussia, while the Cantons of Wadern, Merzig, and Sarreburg are to be beyond the Prussian frontier.

From the point where the limit of the Canton of Conz, below Gomlingen, traverses the Sarre, the line shall descend the Sarre till it falls into the Moselle ; thence it shall reascend the Moselle to its junction with the Sarre, from the latter river to the mouth of the Our, and along the Our to the limits of the ancient Department of the Ourthe. The places traversed by these rivers shall not at all be divided, but shall belong, with their territories, to the Power in whose State the greater part of these places shall be situated ; the Rivers themselves, in so far as they form the frontier, shall belong in common to the two Powers bordering on them.

In the old Department of the Ourthe, the five Cantons of Saint-Vith, Malmedy, Cronenburg, Schleiden, and Eupen, with the advanced point of the Canton of Aubel,[1] to the south of Aix-la-Chapelle, shall belong to Prussia, and the

[1] The Dutch and Prussian Commissioners, when they came to delimit the frontier, disagreed here, and finally the village of Moresnet was left without any nationality at all. It is about 20 miles east of Liège, and since 1839 has been administered by Belgium and Prussia jointly.

frontier shall follow that of these cantons, so that a line, drawn from north to south, may cut the said point of the Canton of Aubel, and be prolonged as far as the point of contact of the three old Departments of the Ourthe, the Lower Meuse, and the Roer; leaving that point, the frontier shall follow the line which separates these two last departments till it reaches the river Worm, which falls into the Roer, and shall go along this river to the point where it again touches the limits of these two departments; when it shall pursue that limit to the south of Hillensberg, shall ascend from thence towards the north, and leaving Hillensberg to Prussia, and cutting the Canton of Sittard in two parts, nearly equal, so that Sittard and Susteren remain on the left, shall reach the old Dutch territory; then following the old frontier of that territory, to the point where it touched the old Austrian Principality of Guelders, on the side of Ruremonde, and directing itself towards the most eastern point of the Dutch territory, to the north of Swalmen, it shall continue to inclose this territory.

Then, setting out from the most eastern point, it joins that other part of the Dutch territory in which Venloo is situated, without including the latter town and its district; thence to the old Dutch frontier near Mook, situated below Genep, it shall follow the course of the Meuse, at such a distance from the right bank that all the places situated within a thousand Rhenish yards (*Rheinländische Ruthen*) of this bank shall, with their territories, belong to the kingdom of the Netherlands; it being well understood, however, in regard to the reciprocity of this principle, that no point of the bank of the Meuse shall constitute a portion of the Prussian territory, unless such point approach to within 800 Rhenish yards of it.

From the point where the line just described joins the old Dutch frontier, as far as the Rhine, this frontier shall remain essentially as it was in 1795, between Cleves and the United Provinces. It shall be examined by the Commission which shall be appointed without delay by the two Governments to proceed to the exact determination of the limits, both of the kingdom of the Netherlands, and the Grand Duchy of Luxemburg, designated in Articles LXVI and LXVIII, and this Commission shall regulate, with the aid of experienced persons, whatever concerns the hydro-technical constructions, and other analogous points,

in the most equitable manner, and conformably to the mutual interests of the Prussian States and of those of the Netherlands. This same disposition extends to the regulation of the limits in the Districts of Kyfwaerd, Lobith, and all the territory to Kekerdom.

The places (*enclaves*) named Huissen, Malburg, Lymers, with the town of Sevenaer, and the Lordship of Weel, shall form a part of the kingdom of the Netherlands, and His Prussian Majesty renounces them in perpetuity for himself, his heirs and successors.

His Majesty the King of Prussia, in uniting to his States the provinces and districts designated in the present Article, enters into all the rights and takes upon himself all the charges and engagements stipulated with respect to the countries dismembered from France by the Treaty of Paris of the 30th May, 1814.

The Prussian provinces upon the two banks of the Rhine, as far as above the town of Cologne, which shall also be comprised within this district, shall bear the name of Grand Duchy of the Lower Rhine, and His Majesty shall assume the title of it.

Kingdom of Hanover.

ARTICLE XXVI. His Majesty the King of the United Kingdom of Great Britain and Ireland, having substituted to his ancient title of Elector of the Holy Roman Empire, that of King of Hanover, and this title having been acknowledged by all the Powers of Europe, and by the Princes and Free Towns of Germany, the countries which have till now composed the Electorate of Brunswick-Luneburg, according as their limits have been recognised and fixed for the future, by the following Articles, shall henceforth form the Kingdom of Hanover.[1]

Cessions by the King of Prussia to the Kingdom of Hanover.

ARTICLE XXVII. His Majesty the King of Prussia cedes to His Majesty the King of the United Kingdom of Great Britain and Ireland, King of Hanover, to be possessed by His Majesty and his successors, in full property and Sovereignty :

[1] The Kingdom of Hanover was annexed to the Prussian Dominions by a Decree of the King of Prussia of September 20, 1866. (See *State Papers*, vol. lvi, p. 1067.)

1. The Principality of Hildesheim, which shall pass under the Government of His Majesty, with all the rights and all the charges with which the said Principality was transferred to the Prussian Government ;

2. The Town and Territory of Goslar ;

3. The Principality of East Frieseland (Ost Friese), including the country called Harlingerland, under the conditions reciprocally stipulated in Article XXX for the navigation of the Ems and the commerce of the port of Embden. The States of the Principality shall preserve their rights and privileges ;

4. The Lower County (*Nieder Grafschaft*) of Lingen, and the part of the Principality of Prussian Munster which is situated between this county and the part of Rheina-Wolbeck occupied by the Hanoverian Government ; but as it has been agreed that the kingdom of Hanover shall obtain by this cession an accession of territory, comprising a population of 22,000 souls, and as the Lower County of Lingen and the part of the Principality of Munster here mentioned, might not come up to this condition, His Majesty the King of Prussia engages to cause the line of demarcation to be extended into the Principality of Munster, as far as may be necessary to contain that population. The Commission, which the Prussian and Hanoverian Governments shall name without delay, to proceed to the exact regulation of the limits, shall be particularly charged with the execution of this provision.

His Prussian Majesty renounces in perpetuity, for himself, his descendants, and successors, the Provinces and Territories mentioned in the present Article, as well as all the rights which have any relation to them.

Renunciation by Prussia of the Chapter of St. Peter at Noerten.

ARTICLE XXVIII. His Majesty the King of Prussia renounces in perpetuity, for himself, his descendants, and successors, all right and claim whatever that His Majesty, in his quality of Sovereign of Eichsfeld, might advance to the Chapter of St. Peter, in the borough of Noerten, or to its dependencies, situated in the Hanoverian territory.

Cessions by the Kingdom of Hanover to Prussia.

ARTICLE XXIX. His Majesty the King of the United Kingdom of Great Britain and Ireland, King of Hanover,

cedes to His Majesty the King of Prussia, to be possessed by him and his successors, in full property and sovereignty :

1. That part of the Duchy of Lauenburg situated upon the right bank of the Elbe, with the villages of Luneburg, situated on the same bank. The part of the duchy upon the left bank remains to the kingdom of Hanover. The States of that part of the duchy which passes under the Prussian Government shall preserve their rights and privileges ; especially those founded upon the provincial *Recès* of the 15th September, 1702, and confirmed by the King of Great Britain, now reigning, under date of 21st June, 1765 ;

2. The Bailiwick of Klötze ;

3. The Bailiwick of Elbingerode ;

4. The Villages of Rudigershagen and Gaenseteich ;

5. The Bailiwick of Reckeberg.

His Britannic Majesty, King of Hanover, renounces for himself, his descendants and successors for ever, the Provinces and Districts specified in the present Article, and all the rights which have reference to them.

Navigation and Commerce between the two States.

Article XXX. His Majesty the King of Prussia, and His Britannic Majesty, King of Hanover, animated with the desire of entirely equalising the advantages of the commerce of the Ems and of the Port of Embden, and of rendering them common to their respective subjects, have agreed on this head to what follows :—

1. The Hanoverian Government engages to cause to be executed, at its expense, in the years 1815 and 1816, the works which a Commission, composed partly of artists,[1] and to be immediately appointed by Prussia and Hanover, shall deem necessary to render navigable that part of the river Ems which extends from the Prussian frontier to its mouth, and to keep it, after the execution of such works, always in the same state in which those works shall have placed it for the benefit of navigation.

2. The Prussian subjects shall be allowed to import and export, by the port of Embden, all kinds of provisions, productions, and goods, whether natural or artificial, and to keep in the town of Embden, warehouses wherein to

[1] 'A mixed commission of experts.' See French version, State Papers, vol. ii, p. 24.

place the said goods for two years, dating from their arrival in the towns, without their being subject to any other inspection than that to which those of the Hanoverian subjects are liable.

3. The Prussian vessels and merchants of the same nation shall not pay for navigation, for exportation or importation of merchandise, or for warehousing, any other tolls or duties than those charged upon the Hanoverian subjects. These tolls and duties shall be regulated by agreement between Prussia and Hanover, and no alteration shall be introduced into the tariff hereafter but by mutual consent. The privileges and liberties just specified extend equally to those Hanoverian subjects who navigate that part of the river Ems which remains to the King of Prussia.

4. Prussian subjects shall not be compellable to employ the merchants of Embden for the trade they carry on with that port; they shall be at liberty to dispose of their commodities either to the inhabitants of the town or to foreigners, without paying any other duties than those to which the Hanoverian subjects are subjected, and which cannot be raised but by mutual consent.

His Majesty the King of Prussia, on his part, engages to grant to Hanoverian subjects the free navigation of the canal of the Stecknitz, so as not to exact from them any other duties than those which shall be paid by the inhabitants of the Duchy of Lauenburg. His Prussian Majesty engages, besides, to insure these advantages to Hanoverian subjects, should he hereafter cede the Duchy of Lauenburg to another Sovereign.

Military Roads.

ARTICLE XXXI. His Majesty the King of Prussia and His Majesty the King of the United Kingdom of Great Britain and Ireland, King of Hanover, mutually agree to three military roads through their respective dominions.

1st. One from Halberstadt, through the country of Hildesheim, to Minden.

2nd. A second from the Old March, through Gifhorn and Neustadt, to Minden.

3rd. A third from Osnabruck, through Ippenbüren and Rheina to Bentheim.

The two first in favour of Prussia, and the third in favour of Hanover.

The two Governments shall appoint, without delay, a Commission to prepare, by common consent, the necessary regulations for the establishment of the said roads.

Relations of the Duc de Looz-Corswaren and of the County of Bentheim with the Kingdom of Hanover.

ARTICLE XXXII. The Bailiwick of Meppen, belonging to the Duke of Aremberg, as well as the part of Rheina-Wolbeck, belonging to the Duke of Looz-Corswaren, which at this moment are provisionally occupied by the Hanoverian Government, shall be placed in such relations with the Kingdom of Hanover, as the Federative Constitution of Germany shall regulate for the mediatised territories.

The Prussian and Hanoverian Governments having nevertheless reserved to themselves to agree hereafter, if necessary, to the fixing of another line of frontier with regard to the county belonging to the Duke of Looz-Corswaren, the said Governments shall charge the Commission they may name for fixing the limits of the part of the County of Lingen ceded to Hanover, to deliberate thereupon, and to adjust definitively the frontiers of that part of the county belonging to the Duke of Looz-Corswaren, which, as aforesaid, is to be possessed by the Hanoverian Government.

The relations between the Hanoverian Government and the County of Bentheim shall remain as regulated by the Treaties of Mortgage existing between His Britannic Majesty and the Count of Bentheim ; and when the rights derived from this Treaty shall have expired, the relations of the County of Bentheim towards the Kingdom of Hanover shall be such as the Federative Constitution of Germany shall regulate for the mediatised territories.

Cession to be made by the King of Hanover to the Duke of Oldenburg.

ARTICLE XXXIII. His Britannic Majesty, King of Hanover, in order to meet the wishes of His Prussian Majesty to procure a suitable arrondissement of territory for His Serene Highness the Duke of Oldenburg, promises to cede to him a district containing a population of 5,000 inhabitants.

Title of Grand Duke in the House of Holstein-Oldenburg.

ARTICLE XXXIV. His Serene Highness the Duke of Holstein-Oldenburg shall assume the title of Grand Duke of Oldenburg.

Title of Grand Duke in the Houses of Mecklenburg-Schwerin and Mecklenburg-Strelitz.

ARTICLE XXXV. Their Serene Highnesses the Dukes of Mecklenburg-Schwerin and Mecklenburg-Strelitz shall assume the titles of Grand Dukes of Mecklenburg-Schwerin and Strelitz.

Title of Grand Duke in the House of Saxe-Weimar.

ARTICLE XXXVI. His Highness the Duke of Saxe-Weimar shall assume the title of Grand Duke of Saxe-Weimar.

Cessions to be made by Prussia to the Grand Duke of Saxe-Weimar.

ARTICLE XXXVII. His Majesty the King of Prussia shall cede from the mass of his States, as they have been fixed and recognised by the present Treaty, to His Royal Highness the Grand Duke of Saxe-Weimar, districts containing a population of 50,000 inhabitants, contiguous to, or bordering upon, the Principality of Weimar.

His Prussian Majesty engages also to cede to His Royal Highness out of that part of the Principality of Fulda which has been given up to him in virtue of the same stipulations, districts containing a population of 27,000 inhabitants.

His Royal Highness the Grand Duke of Weimar shall possess the above districts in full property and Sovereignty, and shall unite them in perpetuity to his present States.

Ulterior Arrangements respecting these Cessions.

ARTICLE XXXVIII. The districts and territories which are to be ceded to His Royal Highness the Grand Duke of Saxe-Weimar, in virtue of the preceding Article, shall be determined by a particular Convention; and His Majesty the King of Prussia engages to conclude this Convention,

and to cause the above districts and territories to be given up to His Royal Highness, within two months from the date of the exchange of the ratifications of the Treaty concluded at Vienna, 1st June, 1815, between His Prussian Majesty and His Royal Highness the Grand Duke.

Territories to be made over immediately to the Grand Duke of Weimar.

ARTICLE XXXIX. His Majesty the King of Prussia, however, cedes immediately, and promises to give up to His Royal Highness, in the space of a fortnight, reckoning from the signature of the above-mentioned Treaty, the following districts and territories; viz.,

The Lordship of Blankenhayn, with the reservation of the Bailiwick of Wandersleben, belonging to Unter-Gleichen, which is not to be comprised in this cession;

The Lower Lordship (*Niedere-Herrschaft*) of Kranichfeld, the Commanderies of the Teutonic order of Zwaetzen, Lehesten, and Liebstädt, with their demesnial revenues, which, constituting a part of the Bailiwick of Eckartsberga, are inclosed in the territory of Saxe-Weimar, as well as all the other territories inclosed within the Principality of Weimar, and belonging to the said bailiwick; the Bailiwick of Tautenburg, with the exception of Droizen, Görschen, Wethalung, Wetterscheid, and Möllschütz, which shall remain to Prussia;

The Village of Remssla, as well as the Villages of Klein-Brembach and Berlstedt, inclosed within the Principality of Weimar, and belonging to the territory of Erfurth;

The property of the Villages of Bischoffsroda and Probsteizella, inclosed within the territory of Eisenach, the Sovereignty of which already belongs to His Royal Highness the Grand Duke.

The population of these different districts is understood to form part of that of 50,000 souls, secured to His Royal Highness the Grand Duke of Saxe-Weimar, by Article XXXVII, and shall be deducted from it.

Cession of a Portion of the former Department of Fulda to Prussia.

ARTICLE XL. The Department of Fulda, together with the territories of the ancient Nobility (*l'Ancienne Noblesse*

immédiate de l'Empire) comprised, at this moment, under the provisional administration of this department, viz.: Mansbach, Buchenau, Werda, Lengsfeld; excepting, however, the following bailiwicks and territories, viz.; the Bailiwicks of Hammelburg, with Thulba and Saaleck, Brückenau with Motten, Saalmünster, with Urzel and Sonnerz; also the part of the Bailiwick of Biberstein, which contains the villages of Batten, Brand, Dietges, Findlos, Liebharts, Melperz, Ober-Bernhardt, Saifferts, and Thaiden, as well as the domain of Holzkirchen, inclosed in the Grand Duchy of Würtzburg; is ceded to His Majesty the King of Prussia, and he shall be put in possession of it within three weeks from and after the 1st June of this year.

His Prussian Majesty engages to take upon himself, in proportion to that part of the territory which he obtains by the present Article, his share of the obligations which all the new possessors of the heretofore Grand Duchy of Frankfort will have to fulfil, and to transfer such engagements to the Princes with whom His Majesty may hereafter make exchanges or cessions of these districts and territories of the Department of Fulda.

Arrangements relative to the Purchasers of Domains in the Principality of Fulda and the County of Hanau.

ARTICLE XLI. The domains of the Principality of Fulda and of the County of Hanau having been sold to purchasers, who have not as yet made good all their instalments, a Commission shall be named by the Princes to whom the said domains are transferred, to regulate, in an uniform manner, whatever has any reference to this transaction, and to do justice to the claims of the purchasers of the said domains. This Commission shall pay particular attention to the Treaty concluded at Frankfort, on the 2nd December, 1813, between the Allied Powers and His Royal Highness the Elector of Hesse; and it is laid down as a principle, that in case the sale of these domains should not be considered as binding, the purchasers shall receive back the sums already discharged, and they shall not be obliged to quit before such restitution shall have had its full and entire effect.

Cession of the Town of Wetzlar to His Majesty the King of Prussia.

ARTICLE XLII. The Town and Territory of Wetzlar passes, in all property and Sovereignty, to His Majesty the King of Prussia.

Relations of the Mediatised Districts of the Old Circle of Westphalia with the Prussian Monarchy.

ARTICLE XLIII. The following Mediatised districts, viz.; the possessions which the Princes of Salm-Salm and Salm-Kyrburg, the Counts called the *Rhein- und Wildgrafen*, and the Duke of Croy, obtained by the principal *Recès* of the extraordinary Deputation of the Empire, of the 25th February, 1803, in the old Circle of Westphalia, as well as the Lordships of Anholt and Gehmen, the possessions of the Duke of Looz-Corswaren, which are in the same situation (in so far as they are not placed under the Hanoverian Government), the County of Steinfurt, belonging to the Count of Bentheim-Bentheim, the County of Recklingshausen, belonging to the Duke of Aremberg, the Lordships of Rheda, Gütersloh, and Gronau, belonging to the Count of Bentheim-Tecklenburg, the County of Rittberg, belonging to the Prince of Kaunitz, the Lordships of Neustadt and Gimborn, belonging to the Count of Walmoden, and the Lordship of Homburg, belonging to the Princes of Sayn-Wittgenstein-Berleburg, shall be placed in such relations with the Prussian Monarchy as the Federative Constitution of Germany shall regulate for the Mediatised territories.

The possessions of the ancient Nobility (*l'Ancienne Noblesse immédiate de l'Empire*) within the Prussian territory, and particularly the Lordship of Wildenberg, in the Grand Duchy of Berg, and the Barony of Schauen, in the Principality of Halberstadt, shall belong to the Prussian Monarchy.

Cession of the Grand Duchy of Würtzburg and of the Principality of Aschaffenburg to the King of Bavaria.

ARTICLE XLIV. His Majesty the King of Bavaria shall possess, for himself, his heirs and successors, in full property and Sovereignty, the Grand Duchy of Würtzburg, as it

was held by His Imperial Highness the Archduke Ferdinand of Austria, and the Principality of Aschaffenburg, such as it constituted part of the Grand Duchy of Frankfort, under the denomination of Department of Aschaffenburg.

Maintenance of the Prince Primate.

ARTICLE XLV. With respect to the rights and prerogatives, and the maintenance of the Prince Primate as an ancient ecclesiastical Prince, it is determined;

1st. That he shall be treated in a manner analogous to the Articles of the *Recès*, which, in 1803, regulated the situation of the secularised Princes, and to the practice observed with regard to them.

2ndly. He shall receive for this purpose, dating from the 1st of June, 1814, the sum of 100,000 florins, by payments of three months, in good specie, at the rate of 24 florins to the mark, as an annuity.

This annuity shall be paid by the Sovereigns under whose Governments the provinces or districts of the Grand Duchy of Frankfort pass, in proportion to the part which each of them shall possess.

3dly. The advances made by the Prince Primate, from his private purse, to the general chest of the Principality of Fulda, such as they have been liquidated and proved, shall be refunded to him, his heirs, or executors.

This expenditure shall be defrayed in proportions by the Sovereigns who shall possess the provinces and districts composing the Principality of Fulda.

4thly. The furniture and other objects which may be proved to belong to the private property of the Prince Primate, shall be restored to him.

5thly. The officers of the Grand Duchy of Frankfort, as well civil and ecclesiastical as military and diplomatic, shall be treated conformably to the principles of Article LIX of the *Recès* of the Empire, dated the 25th February, 1803, and from the 1st of June the pensions shall be proportionably paid by the Sovereigns who enter on the possession of the States which formed the said Grand Duchy since the 1st of June, 1814.

6thly. A Commission shall be established without delay, composed of members appointed by the said Sovereigns, to regulate whatever relates to the execution of the dispositions comprised in this Article.

7thly. It is understood, that in virtue of this arrangement, any claim that might be advanced against the Prince Primate, in his character of Grand Duke of Frankfort, shall be annulled, and that he shall not be molested on account of any reclamation of this nature.

Free Town of Frankfort.

ARTICLE XLVI. The City of Frankfort, with its territory, such as it was in 1803, is declared Free, and shall constitute a part of the Germanic League. Its institutions shall be founded upon the principle of a perfect equality of rights for the different sects of the Christian religion. This equality of rights shall extend to all civil and political rights, and shall be observed in all matters of government and administration. The disputes which may arise, whether in regard to the establishment of the Constitution, or in regard to its maintenance, shall be referred to the Germanic Diet, and can only be decided by the same.[1]

Indemnities to the Grand Duke of Hesse.

ARTICLE XLVII. His Royal Highness the Grand Duke of Hesse, in exchange for the Duchy of Westphalia, ceded to His Majesty the King of Prussia, obtains a territory on the left bank of the Rhine, in the ancient Department of Mont-Tonnerre, comprising a population of 140,000 inhabitants. His Royal Highness shall possess this territory in full Sovereignty and property. He shall likewise obtain the property of that part of the Salt Mines of Kreutznach which is situated on the left bank of the Nahe, but the Sovereignty of them shall remain to Prussia.

Reinstatement of the Landgrave of Hesse-Homburg.

ARTICLE XLVIII. The Landgrave of Hesse-Homburg is reinstated in his possessions, revenues, rights, and political relations, of which he was deprived in consequence of the Confederation of the Rhine.

[1] The Free Town of Frankfort was annexed to Prussia by Decree dated September 20, 1866. (See Hertslet's *Map of Europe by Treaty*, vol. i, p. 240, foot-note.)

Territories reserved for the Houses of Oldenburg, Saxe-Coburg, Mecklenburg-Strelitz, Hesse-Homburg, and the Count of Pappenheim.

ARTICLE XLIX. In the ci-devant Department of the Sarre, on the Frontiers of the States of His Majesty the King of Prussia, there is reserved a district, containing a population of 69,000 souls, to be disposed of in the following manner:—The Duke of Saxe-Coburg and the Duke of Oldenburg shall obtain each a territory comprising 20,000 inhabitants. The Duke of Mecklenburg-Strelitz and the Landgrave of Hesse-Homburg, each a Territory comprising 10,000 inhabitants; and the Count of Pappenheim a Territory comprising 9,000 inhabitants.

The territory of the Count of Pappenheim shall be under the Sovereignty of His Prussian Majesty.

Future Arrangements respecting these Territories.

ARTICLE L. The acquisitions assigned by the preceding Article to the Dukes of Saxe-Coburg, Oldenburg, Mecklenburg-Strelitz, and the Landgrave of Hesse-Homburg, not being contiguous to their respective States, their Majesties the Emperor of Austria, the Emperor of all the Russias, and the Kings of Great Britain and Prussia, promise to employ their good offices, at the close of the present war, or as soon as circumstances shall permit, in order to procure for the said Princes, either by exchanges or any other arrangements, the advantages that they are disposed to insure to them; and that the administration of the said districts may be rendered less complicated, it is agreed that they shall be provisionally under the Prussian administration for the benefit of the new proprietors.

Territory on the two Banks of the Rhine ceded to the Emperor of Austria.

ARTICLE LI. All the territories and possessions, as well on the left bank of the Rhine, in the old Departments of the Sarre and Mont-Tonnerre, as in the former Departments of Fulda and Frankfort, or inclosed in the adjacent countries, placed at the disposal of the Allied Powers by the Treaty of Paris of 30th May, 1814, and not disposed of by other Articles of the present Treaty, shall pass in full Sovereignty and property, under the Government of His Majesty the Emperor of Austria.

Principality of Isenburg.

ARTICLE LII. The Principality of Isenburg is placed under the Sovereignty of His Imperial and Royal Apostolic Majesty, and shall belong to him, under such limitations as the Federative Constitution of Germany shall regulate for the Mediatised States.

Germanic Confederation.

ARTICLE LIII. The Sovereign Princes and Free Towns of Germany, under which denomination, for the present purpose, are comprehended their Majesties the Emperor of Austria, the Kings of Prussia, of Denmark, and of the Netherlands; that is to say:—

The Emperor of Austria and the King of Prussia, for all their possessions which anciently belonged to the German Empire;

The King of Denmark, for the Duchy of Holstein;

And the King of the Netherlands, for the Grand Duchy of Luxemburg;

establish among themselves a perpetual Confederation, which shall be called 'The Germanic Confederation'.[1]

Object of this Confederation.

ARTICLE LIV. The object of this Confederation is the maintenance of the external and internal safety of Germany, and of the Independence and Inviolability of the Confederated States.

Equality of its Members.

ARTICLE LV. The Members of the Confederation, as such, are equal with regard to their rights; and they all equally engage to maintain the Act which constitutes their union.

Federative Diet.

ARTICLE LVI. The affairs of the Confederation shall be confided to a Federative Diet, in which all the Members shall vote by their Plenipotentiaries, either individually or collectively, in the following manner, without prejudice to their rank:—

[1] The Germanic Confederation was dissolved after the Austro-Prussian War of 1866, and replaced by the North German Confederation, of which Austria was not a member. This again was replaced, after the Franco-German War of 1870–1, by the German Empire.

1.	Austria	1 Vote.
2.	Prussia	1 ,,
3.	Bavaria	1 ,,
4.	Saxony	1 ,,
5.	Hanover	1 ,,
6.	Wurtemberg	1 ,,
7.	Baden	1 ,,
8.	Electoral Hesse[1]	1 ,,
9.	Grand Duchy of Hesse[2]	1 ,,
10.	Denmark, for Holstein	1 ,,
11.	The Netherlands, for Luxemburg	1 ,,
12.	Grand-Ducal and Ducal Houses of Saxony	1 ,,
13.	Brunswick and Nassau	1 ,,
14.	Mecklenburg-Schwerin and Strelitz	1 ,,
15.	Holstein-Oldenburg, Anhalt and Schwartzburg	1 ,,
16.	Hohenzollern, Liechtenstein, Reuss, Schaumburg-Lippe, Lippe and Waldeck	1 ,,
17.	The Free Towns of Lubeck, Frankfort, Bremen, and Hamburgh	1 ,,
	Total	17 Votes.

Presidency of Austria.

ARTICLE LVII. Austria shall preside at the Federative Diet. Each State of the Confederation has the right of making propositions, and the presiding State shall bring them under deliberation within a definite time.

Composition of the General Assembly.

ARTICLE LVIII. Whenever fundamental laws are to be enacted, changes made in the fundamental laws of the Confederation, measures adopted relative to the Federative Act itself, and organic institutions or other arrangements made for the common interest, the Diet shall form itself into a General Assembly, and, in that case, the distribution of votes shall be as follows, calculated according to the respective extent of the individual States :—

[1] Hesse-Cassel. [2] Hesse-Darmstadt.

Austria shall have	4 Votes.
Prussia	4 ,,
Saxony	4 ,,
Bavaria	4 ,,
Hanover	4 ,,
Wurtemberg	4 ,,
Baden	3 ,,
Electoral Hesse[1]	3 ,,
Grand Duchy of Hesse[2]	3 ,,
Holstein	3 ,,
Luxemburg	3 ,,
Brunswick	2 ,,
Mecklenburg-Schwerin	2 ,,
Nassau	2 ,,
Saxe-Weimar	1 Vote.
Saxe-Gotha	1 ,,
Saxe-Coburg	1 ,,
Saxe-Meiningen	1 ,,
Saxe-Hildburghausen	1 ,,
Mecklenburg-Strelitz	1 ,,
Holstein-Oldenburg	1 ,,
Anhalt-Dessau	1 ,,
Anhalt-Bernburg	1 ,,
Anhalt-Köthen	1 ,,
Schwartzburg-Sondershausen	1 ,,
Schwartzburg-Rudolstadt	1 ,,
Hohenzollern-Heckingen	1 ,,
Liechtenstein	1 ,,
Hohenzollern-Sigmaringen	1 ,,
Waldeck	1 ,,
Reuss (Elder Branch)[3]	1 ,,
Reuss (Younger Branch)[4]	1 ,,
Schaumburg-Lippe	1 ,,
Lippe	1 ,,
The Free Town of Lubeck	1 ,,
,, ,, Frankfort	1 ,,
,, ,, Bremen	1 ,,
,, ,, Hamburgh	1 ,,
Total	69 Votes.

[1] Hesse-Cassel.
[2] Hesse-Darmstadt.
[3] Reuss-Greitz.
[4] Reuss-Schleitz.

The Diet in deliberating on the organic laws of the Confederation, shall consider whether any collective votes ought to be granted to the ancient Mediatised States of the Empire.

Arrangements relative to the Diet.

ARTICLE LIX. The question, whether a subject is to be discussed by the General Assembly, conformably to the principles above established, shall be decided in the Ordinary Assembly by a majority of votes. The same Assembly shall prepare the drafts of resolutions which are to be proposed to the General Assembly, and shall furnish the latter with all the necessary information, either for adopting or rejecting them.

The plurality of votes shall regulate the decisions, both in the Ordinary and General Assemblies, with this difference, however, that in the Ordinary Assembly, an absolute majority shall be deemed sufficient, while, in the other, two-thirds of the votes shall be necessary to form the majority.

When the votes are even in the Ordinary Assembly, the President shall have the casting vote; but when the Assembly is to deliberate on the acceptance or change of any of the fundamental laws, upon organic institutions, upon individual rights, or upon affairs of religion, the plurality of votes shall not be deemed sufficient, either in the Ordinary or in the General Assembly.

The Diet is permanent: it may, however, when the objects submitted to its deliberation are disposed of, adjourn for a fixed period, which shall not exceed four months.

All ulterior arrangements relative to the postponement or the dispatch of urgent business which may arise during the recess shall be reserved for the Diet, which will consider them when engaged in preparing the organic laws.

Order of Voting.

ARTICLE LX. With respect to the order in which the members of the Confederation shall vote, it is agreed, that while the Diet shall be occupied in framing organic laws, there shall be no fixed regulation; and whatever may be the order observed on such an occasion, it shall neither

prejudice any of the members, nor establish a precedent for the future. After framing the organic laws, the Diet will deliberate upon the manner of arranging this matter by a permanent regulation, for which purpose it will depart as little as possible from those which have been observed in the ancient Diet, and more particularly according to the *Recès* of the Deputation of the Empire in 1803. The order to be adopted shall in no way affect the rank and precedence of the members of the Confederation except in as far as they concern the Diet.

Sittings of Diet to be held at Frankfort.

ARTICLE LXI. The Diet shall assemble at Frankfort on the Maine. Its first meeting is fixed for the 1st of September, 1815.

Framing of Fundamental Laws.

ARTICLE LXII. The first object to be considered by the Diet after its opening shall be the framing of the fundamental laws of the Confederation, and of its organic institutions, with respect to its exterior, military, and interior relations.

Maintenance of Peace in Germany.

ARTICLE LXIII. The States of the Confederation engage to defend not only the whole of Germany, but each individual State of the Union, in case it should be attacked, and they mutually guarantee to each other such of their possessions as are comprised in this Union.

When war shall be declared by the Confederation, no member can open a separate negotiation with the enemy, nor make peace, nor conclude an armistice, without the consent of the other members.

The Confederated States engage, in the same manner, not to make war against each other, on any pretext, nor to pursue their differences by force of arms, but to submit them to the Diet, which will attempt a mediation by means of a Commission. If this should not succeed, and a juridical sentence becomes necessary, recourse shall be had to a well organized *Austregal* Court (*Austrägalinstanz*), to the decision of which the contending parties are to submit without appeal.

Confirmation of Particular Arrangements of the Act of the Confederation.

ARTICLE LXIV. The Articles comprised under the title of *Particular Arrangements*, in the Act of the Germanic Confederation, as annexed to the present General Treaty, both in original and in a French translation, shall have the same force and validity as if they were textually inserted herein.

Kingdom of the Netherlands.

ARTICLE LXV. The ancient United Provinces of the Netherlands and the late Belgic Provinces, both within the limits fixed by the following Article, shall form—together with the countries and territories designated in the same Article, under the Sovereignty of His Royal Highness the Prince of Orange-Nassau, Sovereign Prince of the United Provinces—the Kingdom of the Netherlands, hereditary in the order of succession already established by the Act of the Constitution of the said United Provinces. The title and the prerogatives of the Royal dignity are recognised by all the Powers in the House of Orange-Nassau.[1]

Boundaries of the Kingdom of the Netherlands.

ARTICLE LXVI. The line comprising the territories which compose the Kingdom of the Netherlands is determined in the following manner :—

It leaves the sea, and extends along the frontiers of France on the side of the Netherlands, as rectified and fixed by Article III of the Treaty of Paris of the 30th May, 1814, to the Meuse ; thence along the same frontiers to the old limits of the Duchy of Luxemburg. From this point it follows the direction of the limits between that Duchy and the ancient Bishopric of Liège, till it meets (to the south of Deiffelt) the western limits of that canton, and of that of Malmedy, to the point where the latter reaches the limits between the old Departments of the

[1] The Netherlands and Belgium were separated under the provisions of the Treaties of 1831 and 1839, when Belgium was established as an Independent and Neutral State. This matter is subsequently dealt with in a separate chapter, see page 126.

Ourthe and the Roer ; it then follows these limits to where they touch those of the former French Canton of Eupen, in the Duchy of Limburg, and following the western limit of that canton, in a northerly direction, leaving to the right a small part of the former French Canton of Aubel, joins the point of contact of the three old Departments of the Ourthe, the Lower Meuse, and the Roer ; parting again from this point, this line follows that which divides the two latter departments, until it reaches the Worm (a river falling into the Roer), and goes along this river to the point where it again reaches the limit of these two departments, pursues this limit to the south of Hillensberg (the old Department of the Roer), from whence it reascends to the north, and leaving Hillensberg to the right and dividing the Canton of Sittard into two nearly equal parts, so that Sittard and Susteren remain on the left, it reaches the old Dutch territory, from whence, leaving this territory to the left, it goes on following its eastern frontier to the point where it touches the old Austrian Principality of Guelders, on the south side of Ruremonde, and directing itself towards the most eastern point of the Dutch territory, to the north of Swalmen, continues to inclose this territory.

Lastly, setting out from the most eastern point it joins that part of the Dutch territory in which Venloo is situated ; that town and its territory being included within it. From thence to the old Dutch frontier near Mook, situated above Genep, the line follows the course of the Meuse at such a distance from the right bank that all the places within 1,000 Rhenish yards (*Rheinländische Ruthen*) from it shall belong, with their territories, to the Kingdom of the Netherlands ; it being understood, however, as to the reciprocity of this principle, that the Prussian territory shall not at any point touch the Meuse, or approach it within the distance of 1,000 Rhenish yards.

From the point where the line just described reaches the ancient Dutch frontier, as far as the Rhine, this frontier shall remain essentially the same as it was in 1795, between Cleves and the United Provinces.

This line shall be examined by a Commission, which the Governments of Prussia and the Netherlands shall name without delay, for the purpose of proceeding to the exact determination of the limits, as well of the Kingdom of the Netherlands, as of the Grand Duchy of Luxemburg, specified

in Article LXVIII; and this Commission, aided by professional persons, shall regulate everything concerning the hydrotechnical constructions, and other similar points, in the most equitable manner, and the most conformable to the mutual interests of the Prussian States, and of those of the Netherlands. This same arrangement refers to the fixing of limits in the Districts of Kyfwaerd, Lobith, and in the whole territory as far as Kekerdom.

The *enclaves* of Huissen, Malburg, Lymers, with the town of Sevenaer and Lordship of Weel, shall form a part of the Kingdom of the Netherlands; and His Prussian Majesty renounces them in perpetuity, for himself, his heirs and successors.

Grand Duchy of Luxemburg.

Article LXVII. That part of the old Duchy of Luxemburg which is comprised in the limits specified in the following Article, is likewise ceded to the Sovereign Prince of the United Provinces, now King of the Netherlands, to be possessed in perpetuity by him and his successors, in full property and Sovereignty. The Sovereign of the Netherlands shall add to his titles that of Grand Duke of Luxemburg, His Majesty reserving to himself the privilege of making such family arrangement between the Princes his sons, relative to the succession to the Grand Duchy, as he shall think conformable to the interests of his monarchy and to his paternal intentions.

The Grand Duchy of Luxemburg, serving as a compensation for the Principalities of Nassau-Dillenburg, Siegen, Hadamar and Dietz, shall form one of the States of the Germanic Confederation; and the Prince, King of the Netherlands, shall enter into the system of this Confederation as Grand Duke of Luxemburg, with all the prerogatives and privileges enjoyed by the other German Princes.

The Town of Luxemburg, in a military point of view, shall be considered as a Fortress of the Confederation; the Grand Duke shall, however, retain the right of appointing the Governor and military Commandant of this Fortress, subject to the approbation of the executive power of the Confederation, and under such other conditions as it may be judged necessary to establish, in conformity with the future Constitution of the said Confederation.

Boundaries of the Grand Duchy of Luxemburg.

ARTICLE LXVIII. The Grand Duchy of Luxemburg shall consist of all the territory situated between the Kingdom of the Netherlands, as it has been designated by Article LXVI, France, the Moselle, as far as the mouth of the Sure, the course of the Sure, as far as the junction of the Our, and the course of this last river, as far as the limits of the former French Canton of St. Vith, which shall not belong to the Grand Duchy of Luxemburg.[1]

Arrangements respecting the Duchy of Bouillon.

ARTICLE LXIX. His Majesty the King of the Netherlands, Grand Duke of Luxemburg, shall possess in perpetuity, for himself and his successors, the full and entire Sovereignty of that part of the Duchy of Bouillon, which is not ceded to France by the Treaty of Paris ; and which, therefore, shall be united to the Grand Duchy of Luxemburg.

Disputes having arisen with respect to the said Duchy of Bouillon, the competitor who shall legally establish his right, in the manner hereafter specified, shall possess, in full property, the said part of the Duchy, as it was enjoyed by the last Duke, under the Sovereignty of His Majesty the King of the Netherlands, Grand Duke of Luxemburg.

This decision shall be made by Arbitration, and be without appeal. For this purpose there shall be appointed a certain number of arbitrators, one by each of the two competitors, and others, to the number of three, by the Courts of Austria, Prussia, and Sardinia. They shall assemble at Aix-la-Chapelle, as soon as the state of the war and other circumstances may admit of it, and their determination shall be made known within six months from their first meeting.

In the interim, His Majesty the King of the Netherlands, Grand Duke of Luxemburg, shall hold in trust the property of the said part of the Duchy of Bouillon, in order that he may restore it, together with the revenues of the provisional administration, to the competitor in whose favour the arbitrators shall decide ; and His said Majesty shall

[1] A general Treaty was concluded on May 11, 1867, on the subject of the neutrality, &c., of Luxemburg. This matter is subsequently dealt with in a separate Paper ; see p. 256.

indemnify him for the loss of the revenues arising from the rights of Sovereignty, by means of some equitable arrangement. Should the restitution fall to Prince Charles of Rohan, this property, when in his possession, shall be regulated by the laws of the substitution which constitutes his title thereto.

Cession to Prussia of the German Possessions of the House of Nassau-Orange.

ARTICLE LXX. His Majesty the King of the Netherlands renounces, in perpetuity for himself, his heirs, and successors, in favour of His Majesty the King of Prussia, the sovereign possessions which the House of Nassau-Orange held in Germany, namely, the Principalities of Dillenburg, Dietz, Siegen, and Hadamar, with the Lordships of Beilstein, such as those possessions have been definitively arranged between the two branches of the House of Nassau, by the Treaty concluded at the Hague on the 14th July, 1814.

His Majesty also renounces the Principality of Fulda, and the other districts and territories which were secured to him by Article XII of the Principal *Recès* of the Extraordinary Deputation of the Empire of the 25th of February, 1803.

Family Pact between the Princes of Nassau.

ARTICLE LXXI. The right and order of Succession, established between the two branches of the House of Nassau, by the Act of 1783, called *Nassauischer Erbverein*, is confirmed, and transferred from the four Principalities of Orange-Nassau to the Grand Duchy of Luxemburg.

Charges and Engagements pertaining to the Provinces detached from France.

ARTICLE LXXII. His Majesty the King of the Netherlands, in uniting under his Sovereignty the Countries designated in Articles LXVI and LXVIII, enters into all the rights, and takes upon himself all the charges and all the stipulated engagements, relative to the Provinces and Districts detached from France by the Treaty of Peace concluded at Paris the 30th May, 1814.

Act of Re-union of the Belgic Provinces.

ARTICLE LXXIII. His Majesty the King of the Netherlands, having recognised and sanctioned, under date of the 21st July, 1814, as the Basis of the Union of the Belgic Provinces with the United Provinces, the 8 Articles contained in the document annexed to the present Treaty, the said Articles shall have the same force and validity as if they were inserted, word for word, in the present Instrument.[1]

Integrity of the Nineteen Cantons of Switzerland.

ARTICLE LXXIV. The integrity of the Nineteen Cantons, as they existed in a political body, from the signature of the Convention of the 29th December, 1813, is recognised as the basis of the Helvetic system.

Union of Three new Cantons.

ARTICLE LXXV. The Valais, the territory of Geneva, and the Principality of Neufchatel, are united to Switzerland, and shall form Three new Cantons.

La Vallée des Dappes, having formed part of the Canton of Vaud, is restored to it.

Union of Bishopric of Basle, and Town and Territory of Bienne, with Canton of Berne.

ARTICLE LXXVI. The Bishopric of Basle, and the city and territory of Bienne, shall be united to the Helvetic Confederation, and shall form part of the Canton of Berne.

The following districts, however, are excepted from this last arrangement :

1. A District of about three square leagues in extent, including the Communes of Altschweiler, Schönbach, Oberweiler, Terweiler, Ettingen, Fürstenstein, Plotten, Pfeffingen, Aesch, Bruck, Reinach, Arlesheim ; which District shall be united to the Canton of Basle.

2. A small *Enclave*, situated near the Neufchatel village of Lignières, which is at present, with respect to civil jurisdiction, dependant upon the Canton of Neufchatel, and with respect to criminal jurisdiction upon that of the Bishopric of Basle, shall belong in full Sovereignty to the Principality of Neufchatel.

[1] See foot-note to Article LXV.

Rights of Inhabitants of Countries united with Canton of Berne.

ARTICLE LXXVII. The inhabitants of the Bishopric of Basle, and those of Bienne, united to the Cantons of Berne and Basle, shall enjoy, in every respect, without any distinction of Religion (which shall be maintained in its present state) the same political and civil rights which are enjoyed, or may be enjoyed, by the inhabitants of the ancient parts of the said cantons; they shall, therefore, be equally competent to become candidates for the places of Representatives, and for all other appointments, according to the constitution of the cantons. Such municipal privileges as are compatible with the constitution and the general regulations of the Canton of Berne, shall be preserved to the town of Bienne, and to the villages that formed part of its jurisdiction.

The sale of the national domains shall be confirmed, and the feudal rights and tithes cannot be re-established.

The respective Acts of the union shall be framed, conformably to the principles above declared, by Commissions, composed of an equal number of deputies from each of the directing parties concerned. Those from the Bishopric of Basle shall be chosen by the canton from amongst the most eminent citizens of the country. The said Acts shall be guaranteed by the Swiss Confederation. All points upon which the parties cannot agree, shall be decided by a court of Arbitration, to be named by the Diet.

Restoration of Lordship of Razüns to the Canton of Grisons.

ARTICLE LXXVIII. The cession, made by Article III of the Treaty of Vienna, of the 14th October, 1809, of the Lordship of Razüns, inclosed in the country of the Grisons, having expired; and His Majesty the Emperor of Austria, being restored to all the rights attached to the said possession, confirms the disposition which he made of it, by a Declaration, dated the 20th March, 1815, in favour of the Canton of the Grisons.

Arrangements between France and Geneva.

ARTICLE LXXIX. In order to ensure the commercial and military communications of the Town of Geneva with the Canton of Vaud, and the rest of Switzerland; and

with a view to fulfil, in that respect, Article IV of the Treaty of Paris of the 30th May, 1814, His Most Christian Majesty consents so to place the line of custom-houses, that the road which leads from Geneva into Switzerland by Versoy, shall at all times be free, and that neither the post nor travellers, nor the transport of merchandise, shall be interrupted by any examination of the officers of the Customs, nor subjected to any duty.

It is equally understood that the passage of Swiss troops on this road shall not, in any manner, be obstructed.

In the additional regulations to be made on this subject, the execution of the Treaties relative to the free communication between the town of Geneva and the jurisdiction of Peney, shall be assured in the manner most convenient to the inhabitants of Geneva. His Most Christian Majesty also consents that the gendarmerie and militia of Geneva, after having communicated on the subject with the nearest military post of the French gendarmerie, shall pass on the high road of Meyrin, to and from the said jurisdiction and the town of Geneva.

Cessions by the King of Sardinia to the Canton of Geneva.

ARTICLE LXXX. His Majesty the King of Sardinia cedes that part of Savoy which is situated between the river Arve, the Rhone, the limits of that part of Savoy ceded to France, and the mountain of Salève, as far as Veiry inclusive, together with that part which lies between the high road called that of the Simplon, the Lake of Geneva, and the present territory of the canton of Geneva, from Venezas to the point where the river Hermance crosses the said road; and from thence, following the course of that river to where it enters the Lake of Geneva, to the east of the village of Hermance (the whole of the road of the Simplon continuing to be possessed by His Majesty the King of Sardinia) in order that these countries shall be united (*réunis*) to the canton of Geneva; with the reservation, however, of determining more precisely, by Commissioners respectively, their limits, particularly that part which relates to the demarcation above Veiry and on the mountain of Salève; His said Majesty renouncing for himself and his successors, in perpetuity, without exception or reservation, all rights of Sovereignty, or other

rights which may belong to him in the places and territories comprised within this demarcation.

His Majesty the King of Sardinia also agrees, that the communication between the canton of Geneva and the Valais, by the road of the Simplon, shall be established, in the same manner as it has been agreed to by France, between Geneva and the canton of Vaud, by the route of Versoy. A free communication shall also be at all times granted for the Genevese troops, between the territory of Geneva and the jurisdiction of Jussy, and such facilities shall be allowed as may be necessary for proceeding by the lake to the road of the Simplon.

On the other hand, an exemption from all duties of transit shall be granted for all merchandise and goods which, coming from the States of His Majesty the King of Sardinia and the Free Port of Genoa, shall traverse the road called the Simplon in its whole extent, through the Valais and the State of Geneva. This exemption shall, however, be confined to the transit, and shall extend neither to the tolls established for the maintenance of the road, nor to duties levied on merchandise or goods intended to be sold or consumed in the interior. The same reservation shall apply to the communication granted to the Swiss between the Valais and the canton of Geneva; and the different Governments shall for this purpose take such measures as, by common agreement, they shall judge necessary, either for taxation or for preventing contraband trade in their territories, respectively.

Compensations between the Old and the New Cantons.

ARTICLE LXXXI. With a view to the establishing of reciprocal compensations, the Cantons of Argovia, Vaud, Tessin, and St. Gall, shall furnish to the ancient Cantons of Schweitz, Unterwald, Uri, Glaris, Zug and Appenzell (*Rhode Intérieure*) a sum of money to be applied to purposes of public instruction, and to the expenses of general administration, but principally to the former object, in the said cantons.

The quota, manner of payment, and division of this pecuniary compensation, are fixed as follows:—

The Cantons of Argovia, Vaud, and St. Gall shall furnish to the Cantons of Schweitz, Unterwald, Uri, Zug, Glaris,

and Appenzell (*Rhode Intérieure*), a fund of 500,000 Swiss livres.

Each of the former cantons shall pay the interest of its quota, at the rate of 5 per cent. per annum, or have the option of discharging the principal, either in money or funded property.

The division, either of the payment or receipt of these funds, shall be made according to the scale of contributions laid down for providing the federal expenses.

The Canton of Tessin shall pay every year to the Canton of Uri, a moiety of the produce of the tolls in the Levantine Valley.

Arrangements respecting Funds invested in England.

ARTICLE LXXXII. To put an end to the discussions which have arisen, with respect to the funds placed in England by the Cantons of Zurich and Berne, it is determined :

1. That the Cantons of Berne and Zurich shall preserve the property of the funded capital as it existed in 1803, at the period of the dissolution of the Helvetic Government, and shall receive the interest thereof, from the 1st January, 1815 ;

2. That the accumulated interest due since the year 1798, up to the year 1814, inclusive, shall be applied to the payment of the remaining capital of the national debt, known under the denomination of the Helvetic debt ;

3. That the surplus of the Helvetic debt shall remain at the charge of the other cantons, those of Berne and Zurich being exonerated by the above arrangement. The quota of each of the cantons which remain charged with this surplus, shall be calculated and paid according to the proportion fixed for the contributions destined to defray federal expenses. The countries incorporated with Switzerland since 1813 shall not be assessed on account of the old Helvetic debt.

If it shall happen that an overplus remains after discharging the above debt, that overplus shall be divided between the Cantons of Berne and Zurich, in the proportion of their respective capitals.

The same regulations shall be observed with regard to those other debts, the documents concerning which are deposited in the custody of the President of the Diet.

Indemnity to Proprietors of 'Lauds'.

ARTICLE LXXXIII. To conciliate disputes respecting *Lauds* abolished without indemnification, an indemnity shall be given to persons who are owners of such *Lauds*; and for the purpose of avoiding all further differences on this subject between the Cantons of Berne and Vaud, the latter shall pay to the Government of Berne the sum of 300,000 Swiss livres, which shall be shared between the Bernese claimants, proprietors of *Lauds*. The payments shall be made at the rate of a fifth part each year, commencing from the 1st January, 1816.

Confirmation of the Declaration of 20th March, 1815, relative to the affairs of Switzerland.

ARTICLE LXXXIV. The Declaration of the 20th March, addressed by the Allied Powers who signed the Treaty of Paris, to the Diet of the Swiss Confederation, and accepted by the Diet through the Act of Adhesion of the 27th May, is confirmed in the whole of its tenor; and the principles established, as also the arrangements agreed upon, in the said Declaration, shall be invariably maintained.

Boundaries of the States of the King of Sardinia.

ARTICLE LXXXV. The frontiers of the States of His Majesty the King of Sardinia shall be:—

On the side of France, such as they were on the 1st of January, 1792, with the exception of the changes effected by the Treaty of Paris of the 30th May, 1814;

On the side of the Helvetic Confederation, such as they existed on the 1st of January 1792, with the exception of the change produced by the cession in favour of the Canton of Geneva, as specified by Article LXXX of the present Act;

On the side of the States of His Majesty the Emperor of Austria, such as they existed on the 1st of January, 1792; and the Convention concluded between their Majesties the Empress Maria Theresa and the King of Sardinia, on the 4th October, 1751, shall be reciprocally confirmed in all its stipulations;

On the side of the States of Parma and Placentia, the frontier as far as it concerns the ancient States of the King

of Sardinia, shall continue to be the same as they were on the 1st of January, 1792.

The borders of the former States of Genoa, and of the countries called Imperial Fiefs, united to the States of His Majesty the King of Sardinia, according to the following Articles, shall be the same as those which, on the 1st of January, 1792, separated those countries from the States of Parma and Placentia, and from those of Tuscany and Massa.

The island of Capraja, having belonged to the ancient republic of Genoa, is included in the cession of the States of Genoa, to His Majesty the King of Sardinia.

Union of the States of Genoa with the States of the King of Sardinia.

ARTICLE LXXXVI. The States which constituted the former republic of Genoa, are united in perpetuity to those of His Majesty the King of Sardinia, to be, like the latter, possessed by him in full Sovereignty and hereditary property; and to descend, in the male line, in the order of primogeniture, to the two branches of his house, viz.: the royal branch, and the branch of Savoy-Carignan.

Title of Duke of Genoa.

ARTICLE LXXXVII. The King of Sardinia shall add to his present titles, that of Duke of Genoa.

Rights and Privileges of the Genoese.

ARTICLE LXXXVIII. The Genoese shall enjoy all the rights and privileges, specified in this Act, intituled 'Conditions which are to serve as the basis of the Union of the Genoese States to those of His Sardinian Majesty', and the said Act, such as it is annexed to this General Treaty, shall be considered as an integral part thereof, and shall have the same force and validity as if it were textually inserted in the present Article.

Union of the Imperial Fiefs.

ARTICLE LXXXIX. The countries called Imperial Fiefs, formerly united to the ancient Ligurian Republic, are definitely united to the States of His Majesty the King of

Sardinia, in the same manner as the rest of the Genoese States; and the inhabitants of these countries shall enjoy the same rights and privileges as those of the States of Genoa, specified in the preceding Article.

Right of Fortifying.

ARTICLE XC. The right that the Powers who signed the Treaty of Paris of the 30th May, 1814, reserved to themselves by Article III of that Treaty, of fortifying such points of their States as they might judge proper for their safety, is equally reserved, without restriction, to His Majesty the King of Sardinia.

Cession by the King of Sardinia to the Canton of Geneva.

ARTICLE XCI. His Majesty the King of Sardinia cedes to the Canton of Geneva the districts of Savoy, designated in Article LXXX above recited, according to the conditions specified in the Act, intituled 'Cession made by His Majesty the King of Sardinia to the Canton of Geneva'. This Act shall be considered as an integral part of this General Treaty, to which it is annexed, and shall have the same force and validity as if it were textually inserted in the present Article.[1]

Neutrality of Chablais and Faucigny.

ARTICLE XCII. The Provinces of Chablais and Faucigny, and the whole of the territory of Savoy to the north of Ugine, belonging to His Majesty the King of Sardinia, shall form a part of the Neutrality of Switzerland, as it is recognised and guaranteed by the Powers.

Whenever, therefore, the neighbouring Powers to Switzerland are in a state of open or impending hostility, the troops of His Majesty the King of Sardinia which may be in those provinces, shall retire, and may for that purpose pass through the Valais, if necessary. No other armed troops of any other Power shall have the privilege of passing through or remaining in the said territories and provinces, excepting those which the Swiss Confederation shall think proper to place there; it being well understood that this state of things shall not in any manner

[1] Savoy and Nice were ceded to France by Sardinia by the Treaty between those two Powers of March 24, 1860.

interrupt the administration of these countries, in which the civil agents of His Majesty the King of Sardinia may likewise employ the municipal guard, for the preservation of good order.

Designation of the Territories of which the Emperor of Austria resumes possession on the side of Italy.

ARTICLE XCIII. In pursuance of the Renunciations agreed upon by the Treaty of Paris of the 30th May, 1814, the Powers who sign the present Treaty recognise His Majesty the Emperor of Austria, his heirs and successors, as legitimate Sovereign of the Provinces and Territories which had been ceded, either wholly or in part, by the Treaties of Campo-Formio of 1797, of Lunéville of 1801, of Presburg of 1805, by the additional Convention of Fontainebleau of 1807, and by the Treaty of Vienna of 1809; the possession of which provinces and territories His Imperial and Royal Apostolic Majesty obtained in consequence of the last war; such as, Istria, Austrian as well as heretofore Venetian, Dalmatia, the ancient Venetian Isles of the Adriatic, the Mouths of the Cattaro, the City of Venice, with its waters, as well as all the other provinces and districts of the formerly Venetian States of the Terra Firma upon the left bank of the Adige, the Duchies of Milan and Mantua, the Principalities of Brixen and Trente, the County of Tyrol, the Vorarlberg, the Austrian Frioul, the ancient Venetian Frioul, the territory of Montefalcone, the Government and Town of Trieste, Carniola, Upper Carinthia, Croatia on the right of the Save, Fiume and the Hungarian *Littorale*, and the District of Castua.[1]

Territories united to the Austrian Monarchy.

ARTICLE XCIV. His Imperial and Royal Apostolic Majesty shall unite to his monarchy, to be possessed by him and his successors in full property and Sovereignty :—

1. Besides the portions of the Terra Firma in the Venetian States mentioned in the preceding Article, the other parts of those States, as well as all other territories situated between the Tessino, the Po, and the Adriatic Sea.

[1] By Article III of the Treaty of Peace between Austria and Italy of October 3, 1866, the Lombardo-Venetian Kingdom was united to the Kingdom of Italy.

2. The Vallies of the Valteline, of Bormio, and of Chiavenna.

3. The territories which formerly composed the Republic of Ragusa.

Austrian Frontiers in Italy.

ARTICLE XCV. In consequence of the stipulations agreed upon in the preceding Articles, the frontiers of the States of His Imperial and Apostolic Majesty, in Italy, shall be :—

1. On the side of the States of His Majesty the King of Sardinia, such as they were on the 1st of January, 1792 ;

2. On the side of the States of Parma, Placentia, and Guastalla, the course of the Po, the line of demarcation following the *Thalweg* of the River ;

3. On the side of the States of Modena, such as they were on 1st of January, 1792 ;

4. On the side of the Papal States, the course of the Po, as far as the mouth of the Goro ;

5. On the side of Switzerland, the ancient frontier of Lombardy, and that which separates the Vallies of the Valteline, of Bormio, and Chiavenna, from the Cantons of the Grisons and the Tessino.

In those places where the *Thalweg* of the Po forms the frontier, it is agreed, that the changes which the course of the river may undergo shall not, in future, in any way affect the property of the Islands therein contained.

Navigation of the Po.

ARTICLE XCVI. The general principles, adopted by the Congress at Vienna, for the Navigation of Rivers, shall be applicable to that of the Po.

Commissioners shall be named by the States bordering on rivers, within three months at latest after the termination of the Congress, to regulate all that concerns the execution of the present Article.

Arrangements respecting the Mont-Napoleon at Milan.

ARTICLE XCVII. As it is indispensable to preserve, to the establishment known by the name of the Mont-Napoleon at Milan, the means of fulfilling its engagements towards its creditors ; it is agreed, that the landed and other immovable property of this establishment, in countries

which formed part of the ancient Kingdom of Italy, and have since passed under the government of different Princes of Italy, as well as the capital belonging to the said establishment placed out at interest in these different countries, shall be appropriated to the same object.

The unfunded and unliquidated debts of the Mont-Napoleon, such as those arising from the arrears of its charges, or from any other increase of the outgoings of this establishment, shall be divided between the territories which composed the late Kingdom of Italy; and this division shall be regulated according to the joint bases of their population and revenue.

The Sovereigns of the said countries shall appoint Commissioners, within the space of three months, dating from the termination of the Congress, to arrange with Austrian Commissioners whatever relates to this object. This Commission shall assemble at Milan.

Estates of Modena and of Massa and Carrara.

ARTICLE XCVIII. His Royal Highness the Archduke Francis d'Este, his heirs and successors, shall possess, in full Sovereignty, the Duchies of Modena, Reggio, and Mirandola, such as they existed at the signature of the Treaty at Campo-Formio.[1]

The Archduchess Maria Beatrice d'Este, her heirs and successors, shall possess, in full Sovereignty and property, the Duchy of Massa and the Principality of Carrara, as well as the Imperial Fiefs in La Lunigiana.

The latter may be applied to the purpose of exchanges, or other arrangements made by common consent, and according to mutual convenience, with His Imperial Highness the Grand Duke of Tuscany.

The rights of Succession and Reversion, established in the branches of the Archducal Houses of Austria, relative to the Duchies of Modena, Reggio, and Mirandola, and the Principalities of Massa and Carrara, are preserved.

Parma and Placentia.[2]

ARTICLE XCIX. Her Majesty the Empress Maria Louisa shall possess, in full property and Sovereignty, the Duchies of Parma, Placentia, and Guastalla, with the exception of

[1] Treaty of Campo-Formio between France and Austria, 1797.
[2] Piacenza.

the districts lying within the States of His Imperial and Royal Apostolic Majesty on the left bank of the Po.

The Reversion of these countries shall be regulated by common consent, with the Courts of Austria, Russia, France, Spain, England and Prussia; due regard being had to the rights of Reversion of the House of Austria, and of His Majesty the King of Sardinia, to the said countries.[1]

Possessions of the Grand Duke of Tuscany.

ARTICLE C. His Imperial Highness the Archduke Ferdinand of Austria is re-established, himself, his heirs and successors, in all the rights of Sovereignty and property, in the Grand Duchy of Tuscany and its dependencies, which he possessed previous to the Treaty of Lunéville.[2]

The stipulations of the second Article of the Treaty of Vienna, of the 3rd October, 1735,[3] between the Emperor Charles VI and the King of France, to which the other Powers acceded, are fully renewed in favour of His Imperial Highness and his descendants, as well as the guarantees resulting from those stipulations.

There shall be likewise united to the said Grand Duchy, to be possessed in full property and Sovereignty by the Grand Duke Ferdinand, his heirs and descendants;—

1. The State of the Presidii.

2. That part of the Island of Elba, and its appurtenances, which were under the *Suzeraineté* of His Majesty the King of the Two Sicilies before the year 1801.

3. The *Suzeraineté* and Sovereignty of the Principality of Piombino and its dependencies.

Prince Ludovisi Buoncompagni shall retain, for himself and his legitimate successors, all the property which his family possessed in the Principality of Piombino, and in the Island of Elba and its dependencies, previously to the occupation of those countries by the French troops in 1799, together with the mines, foundries, and salt mines.

The Prince Ludovisi shall likewise preserve his right of Fishery, and enjoy an entire exemption from duties, as well for the exportation of the produce of his Mines,

[1] Parma was united to Sardinia by Decree of March 18, 1860.

[2] Treaty of Lunéville between France and Austria, 1801.

[3] For Article II of this treaty, see State Papers, vol. ii, p. 48, foot-note.

foundries, salt mines, and domains, as for the importation of Wood and other articles necessary for working the mines: he shall also be indemnified by His Imperial Highness the Grand Duke of Tuscany, for all the revenues the family of the latter derived from the crown duties before the year 1801. In case any difficulties should arise in the valuation of this indemnity, the parties concerned shall refer the decision to the Courts of Vienna and Sardinia.

4. The late Imperial Fiefs of Vernio, Montanto, and Monte Santa Maria, lying within the Tuscan States.[1]

Duchy of Lucca.

ARTICLE CI. The Principality of Lucca shall be possessed in full Sovereignty by Her Majesty the Infanta Maria Louisa, and her descendants, in the direct male line.

The Principality is erected into a Duchy, and shall have a form of government founded upon the principles of that which it received in 1805.

An Annuity of 500,000 francs shall be added to the revenue of the Principality of Lucca, which His Majesty the Emperor of Austria, and His Imperial Highness the Grand Duke of Tuscany, engage to pay regularly, as long as circumstances do not admit of procuring another establishment for Her Majesty the Infanta Maria Louisa, her son, and his descendants. This annuity shall be specially mortgaged upon the Lordships in Bohemia, known by the name of Bavaro Palatines; which, in case of the Duchy of Lucca reverting to the Grand Duke of Tuscany, shall be freed from this charge, and shall again form a part of the private domain of His Imperial and Royal Apostolic Majesty.[2]

Reversion of the Duchy of Lucca.

ARTICLE CII. The Duchy of Lucca shall revert to the Grand Duke of Tuscany; either in case of its becoming vacant by the death of Her Majesty the Infanta Maria Louisa, or of her son Don Carlos, and of their direct male descendants; or in case the Infanta Maria Louisa or her

[1] Tuscany was united to the Kingdom of Sardinia by Decree of March 22, 1860.

[2] Lucca was ceded to Tuscany by Treaty of October 4, 1847, and Tuscany was annexed to Sardinia by Decree of March 22, 1860.

direct heirs should obtain any other establishment, or succeed to another branch of their dynasty.

The Grand Duke of Tuscany, however, engages, should the said Reversion fall to him, to cede to the Duke of Modena, as soon as he shall have entered into possession of the Principality of Lucca, the following territories :—

1. The Tuscan districts of Fivizano, Pietra Santa, and Barga.

2. The Lucca districts of Castiglione and Gallicano, lying within the States of Modena, as well as those of Minucciano and Monte-Ignose, contiguous to the country of Massa.

Arrangements relative to the Holy See.

ARTICLE CIII. The Marches, with Camerino, and their dependencies, as well as the Duchy of Benevento and the Principality of Ponte-Corvo, are restored to the Holy See.

The Holy See shall resume possession of the Legations of Ravenna, Bologna, and Ferrara, with the exception of that part of Ferrara which is situate on the left bank of the Po.

His Imperial and Royal Apostolic Majesty and his successors shall have the right of placing Garrisons at Ferrara and Commachio.

The inhabitants of the countries who return under the Government of the Holy See, in consequence of the stipulations of Congress, shall enjoy the benefit of Article XVI of the Treaty of Paris of the 30th May, 1814.

All acquisitions made by individuals, in virtue of a title acknowledged as legal by the existing laws, are to be considered as good, and the arrangements necessary for the guarantee of the public debt and the payment of pensions shall be settled by a particular Convention between the Courts of Rome and Vienna.[1]

Restoration of King Ferdinand IV at Naples.

ARTICLE CIV. His Majesty King Ferdinand IV, his heirs and successors, is restored to the throne of Naples, and His Majesty is acknowledged by the Powers as King of the Two Sicilies.

[1] The Marches were annexed to Sardinia by Decree of December 17, 1860.

Affairs of Portugal. Restitution of the Town of Olivença.

ARTICLE CV. The Powers, recognising the justice of the claims of His Royal Highness the Prince Regent of Portugal and the Brazils, upon the Town of Olivença, and the other territories ceded to Spain by the Treaty of Badajos of 1801, and viewing the restitution of the same as a measure necessary to insure that perfect and constant harmony between the Two Kingdoms of the Peninsula, the preservation of which in all parts of Europe has been the constant object of their arrangements, formally engage to use their utmost endeavours by amicable means, to procure the retrocession of the said territories in favour of Portugal. And the Powers declare, as far as depends upon them, that this arrangement shall take place as soon as possible.[1]

Relations between France and Portugal.

ARTICLE CVI. In order to remove the difficulties which opposed the Ratification on the part of His Royal Highness the Prince Regent of the Kingdoms of Portugal and the Brazils, of the Treaty signed on the 30th of May, 1814, between Portugal and France; it is determined that the stipulations contained in Article X of that Treaty, and all those which relate to it, shall be of no effect, and that with the consent of all the Powers the provisions contained in the following Article shall be substituted for them, and which shall alone be considered as valid: with this exception, all the other clauses of the above Treaty of Paris shall be maintained, and regarded as mutually binding on the Two Courts.

Restitution of French Guiana.

ARTICLE CVII. His Royal Highness the Prince Regent of the Kingdoms of Portugal and the Brazils, wishing to give an unequivocal proof of his high consideration for His Most Christian Majesty, engages to restore French Guiana to His said Majesty, as far as the river Oyapock, the mouth of which is situated between the fourth and fifth degree of north latitude, and which has always been considered by Portugal as the Limit appointed by the Treaty of Utrecht.

[1] This arrangement was never carried out.

The period for giving up this Colony shall be determined, as soon as circumstances shall permit, by a Particular Convention between the two Courts; and they shall enter into an amicable arrangement, as soon as possible, with regard to the definitive demarcation of the limits of Portuguese and French Guiana, conformably to the precise meaning of Article VIII of the Treaty of Utrecht.

Navigation of Rivers traversing different States.

ARTICLE CVIII. The Powers whose States are separated or crossed by the same navigable River engage to regulate. by common consent, all that regards its navigation. For this purpose they will name Commissioners, who shall assemble, at latest, within 6 months after the termination of the Congress, and who shall adopt, as the bases of their proceedings, the Principles established by the following Articles.

Freedom of Navigation.

ARTICLE CIX. The navigation of the Rivers, along their whole course, referred to in the preceding Article, from the point where each of them becomes navigable, to its mouth, shall be entirely free, and shall not, in respect to Commerce, be prohibited to any one; it being understood that the Regulations established with regard to the Police of this navigation shall be respected, as they will be framed alike for all, and as favourable as possible to the Commerce of all nations.

Uniformity of System for Collection of Dues.

ARTICLE CX. The system that shall be established both for the collection of the Duties and for the maintenance of the Police, shall be, as nearly as possible, the same along the whole course of the River; and shall also extend, unless particular circumstances prevent it, to those of its Branches and Junctions, which, in their navigable course, separate or traverse different States.

Regulation of the Tariff.

ARTICLE CXI. The Duties on navigation shall be regulated in an uniform and settled manner, and with as little reference as possible to the different quality of the

merchandise, in order that a minute examination of the cargo may be rendered unnecessary, except with a view to prevent fraud and evasion. The amount of the Duties, which shall in no case exceed those now paid, shall be determined by local circumstances, which scarcely allow of a general rule in this respect. The Tariff shall, however, be prepared in such a manner as to encourage commerce by facilitating navigation; for which purpose the Duties established upon the Rhine, and now in force on that River, may serve as an approximating rule for its construction.

The Tariff once settled, no increase shall take place therein, except by the common consent of the States bordering on the Rivers; nor shall the navigation be burdened with any other Duties than those fixed in the Regulation.

Offices for Collection of Dues.

ARTICLE CXII. The Offices for the collection of Duties, the number of which shall be reduced as much as possible, shall be determined upon in the above Regulation, and no change shall afterwards be made, but by common consent, unless any of the States bordering on the Rivers should wish to diminish the number of those which exclusively belong to the same.

Towing Paths.

ARTICLE CXIII. Each State bordering on the Rivers is to be at the expense of keeping in good repair the Towing Paths which pass through its territory, and of maintaining the necessary works through the same extent in the channels of the river, in order that no obstacle may be experienced to the navigation.

The intended Regulation shall determine the manner in which the States bordering on the Rivers are to participate in these latter works, where the opposite banks belong to different Governments.

Port and Harbour Dues.

ARTICLE CXIV. There shall nowhere be established Store-house, Port, or Forced Harbour Duties (*Droits d'étape, d'échelle et de relâche forcée*). Those already existing shall be preserved for such time only, as the States bordering

on Rivers (without regard to the local interest of the place or the country where they are established) shall find them necessary or useful to navigation and commerce in general.

Custom-Houses.

ARTICLE CXV. The Custom-Houses belonging to the States bordering on Rivers shall not interfere in the duties of navigation. Regulations shall be established to prevent officers of the Customs, in the exercise of their functions, throwing obstacles in the way of the navigation ; but care shall be taken, by means of a strict Police on the bank, to preclude every attempt of the inhabitants to smuggle goods, through the medium of boatmen.

General Regulations to be drawn up.

ARTICLE CXVI. Everything expressed in the preceding Articles shall be settled by a general arrangement, in which there shall also be comprised whatever may need an ulterior determination.

The arrangement once settled, shall not be changed, but by and with the consent of all the States bordering on Rivers, and they shall take care to provide for its execution with due regard to circumstances and locality.

Confirmation of Particular Regulations respecting the Navigation of the Rhine, the Neckar, the Maine, the Moselle, the Meuse, and the Scheldt.

ARTICLE CXVII. The Particular Regulations relative to the navigation of the Rhine, the Neckar, the Maine, the Moselle, the Meuse, and the Scheldt, such as they are annexed to the present Act, shall have the same force and validity as if they were textually inserted herein.

Confirmation of the Treaties and Particular Acts annexed to the General Treaty.

ARTICLE CXVIII. The Treaties, Conventions, Declarations, Regulations, and other particular Acts which are annexed to the present Act, viz. :—

1. The Treaty between Russia and Austria, of the 21st April/3rd May, 1815 ;

2. The Treaty between Russia and Prussia, of the 21st April/3rd May, 1815 ;

3. The Additional Treaty, relative to Cracow, between Austria, Prussia, and Russia, of the 21st April/3rd May, 1815 ;

4. The Treaty between Prussia and Saxony of the 18th May, 1815 ;

5. The Declaration of the King of Saxony respecting the rights of the House of Schönburg, of the 18th May, 1815 ;

6. The Treaty between Prussia and Hanover, of the 29th May, 1815 ;

7. The Convention between Prussia and the Grand Duke of Saxe-Weimar, of the 1st June, 1815 ;

8. The Convention between Prussia and the Duke and Prince of Nassau, of the 31st May, 1815 ;

9. The Act concerning the Federative Constitution of Germany, of the 8th June, 1815 ;

10. The Treaty between the King of the Netherlands, and Prussia, England, Austria, and Russia, of the 31st May, 1815 ;

11. The Declaration of the Powers on the Affairs of the Helvetic Confederation of the 20th March ; and the Act of Accession of the Diet of the 27th May, 1815 ;

12. The Protocol of the 29th March, 1815, on the Cessions made by the King of Sardinia to the Canton of Geneva ;

13. The Treaty between the King of Sardinia, Austria, England, Russia, Prussia, and France, of the 20th May, 1815 ;

14. The Act entitled ' Conditions which are to serve as the Basis of the Union of the States of Genoa with those of His Sardinian Majesty ' ;

15. The Declaration of the Powers on the Abolition of the Slave Trade, of the 8th February, 1815 ;

16. The Regulations respecting the Free Navigation of Rivers ;

17. The Regulation concerning the Precedence of Diplomatic Agents ;

shall be considered as integral parts of the Arrangements of the Congress, and shall have, throughout, the same force and validity as if they were inserted, word for word, in the General Treaty.

Invitation to the Powers assembled in Congress to accede to the General Treaty.

ARTICLE CXIX. All the Powers assembled in Congress, as well as the Princes and Free Towns, who have concurred in the arrangements specified, and in the Acts confirmed, in this General Treaty, are invited to accede to it.

Reservations as to the use of the French Language in the drawing up of this Act.

ARTICLE CXX. The French Language having been exclusively employed in all the copies of the present Treaty, it is declared, by the Powers who have concurred in this Act, that the use made of that Language shall not be construed into a Precedent for the future ; every Power, therefore, reserves to itself the adoption in future Negociations and Conventions, of the Language it has heretofore employed in its diplomatic relations ; and this Treaty shall not be cited as a Precedent contrary to the established practice.

Ratification of the Treaty and Deposit of the Original in the Archives of the Court and State at Vienna.

ARTICLE CXXI. The present Treaty shall be ratified, and the Ratifications exchanged in six months, and by the Court of Portugal in a year, or sooner, if possible.

A copy of this General Treaty shall be deposited in the Archives of the Court and State of His Imperial and Royal Apostolic Majesty, at Vienna, in case any of the Courts of Europe shall think proper to consult the original text of this Instrument.

In faith of which the respective Plenipotentiaries have signed this Act, and have affixed thereunto the Seals of their Arms.

Done at Vienna, the 9th of June, in the year of Our Lord, 1815.

(The Signatures follow in the Alphabetical Order of the Courts.)

AUSTRIA,

(L.S.) LE PRINCE DE METTERNICH.
(L.S.) LE BARON DE WESSENBERG.

(Espagne) Spain.[1]

France,

(L.S.) LE PRINCE DE TALLEYRAND.
(L.S.) LE DUC D'ALBERG.
(L.S.) LE COMTE ALEXIS DE NOAILLES.

Great Britain,

(L.S.) CLANCARTY.
(L.S.) CATHCART.
(L.S.) STEWART, L. G.

Portugal,

(L.S.) LE COMTE DE PALMELLA.
(L.S.) ANTONIO DE SALDANHA DA GAMA.
(L.S.) D. JOAQUIM LOBO DA SILVEIRA.

Prussia,

(L.S.) LE PRINCE DE HARDENBERG.
(L.S.) LE BARON DE HUMBOLDT.

Russia,

(L.S.) LE PRINCE DE RASOUMOFFSKY.
(L.S.) LE COMTE DE STACKELBERG.
(L.S.) LE COMTE DE NESSELRODE.

Sweden,

(L.S.) LE COMTE CHARLES-AXEL DE LOWENHIELM.

(Save and except the reservation made to the Articles CI, CII, and CIV of the Treaty.)

[Note.—For these reservations, see *State Papers*, vol. ii, pp. 759, 760.]

[1] Spain acceded to the treaty on June 7, 1817. She did not sign it.

Epitome of the Seventeen Documents annexed to the Congress Treaty of Vienna

Annex I. Treaty between Austria and Russia respecting Poland. Signed at Vienna April 21/May 3, 1815.[1] Articles 1, 2, 3, 4, 5 were embodied in the principal Treaty as, respectively, 5, 3, 4, 6, and 1. They had reference to the new Austro-Russian frontiers, &c. Article 6 enabled inhabitants to leave the country on its transfer. Articles 7, 8, 9 were embodied in the principal Treaty as Articles 11, 12, and 13, general amnesty and sequestrations. Articles 10 to 23, property of proprietors having estates on both sides of boundary line. Articles 24 to 29, navigation of rivers in Poland, tariffs, &c. (see Article 14 of principal Treaty). Articles 30 to 40 related to loans and debts, surrender of documents, evacuation of territories, &c.

Annex II. Treaty between Russia and Prussia relating to Poland, signed at Vienna April 21/May 3, 1815.[2]

Articles 1, 2, 3, 5, 6, 7 are embodied in substance in the principal Treaty as Articles 2, 6, 1, 11, 12, 13 respectively. The remaining provisions of the Treaty are very similar to those of the Austro-Russian Treaty (see Annex I).

Annex III. Additional Treaty between Austria, Prussia, and Russia relative to Cracow. Signed at Vienna April 21/May 3, 1815.[3]

Articles 1, 2, 3, 6, embodied in principal Treaty as Articles 6, 7, 8, 9. This Treaty constituted Cracow a free, neutral, and independent town under the protection of Austria, Prussia, and Russia, with consequent conditions and privileges. [By a treaty between the same Powers dated November 6, 1846, the above additional Treaty was abrogated, the independence of Cracow was put an end to, and the territory incorporated with Austrian dominions. The British and French Governments protested against this infraction of the Treaty of Vienna.[4] The constitution of Cracow, which was appended to this Annex, disappeared with the Treaty which created it.]

Annex IV. Treaty between Prussia and Saxony (also between Austria and Saxony and between Russia and

[1] *State Papers*, vol. ii, p. 56. [2] Ibid., vol. ii, p. 63.
[3] Ibid., vol. ii, p. 74. [4] Hertslet, vol. i, p. 120, foot-note.

Saxony) on the subject of territorial reconstruction. Signed at Vienna May 18, 1815.[1]

Articles 2, 4, 13, 16, 21 were incorporated in the principal Treaty as Articles 15, 16, 20, 21, and 22. They related to territorial changes, religious property, amnesty, emigration, &c.

Article 17 concerned the navigation of the Elbe. Article 19, supply of salt from Prussia duty free. Article 22, recognition by Saxony of sovereign rights of Austria, Prussia, and Russia in portions of Poland, &c. [Great Britain acceded to this Treaty.]

ANNEX V. Declaration of King of Saxony on Rights of House of Schönburg, Vienna, May 18, 1815. Act of Acceptation by the five Powers, May 29, 1815.[2]

ANNEX VI. Treaty (territorial), Prussia and Hanover. Vienna, May 29, 1815.[3] Articles 1, 2, 4, 5, 6 embodied in the principal Treaty as Articles 27, 28, 29, 30, 31. Reciprocal cessions, Prussia, Hanover, Brunswick, Oldenburg, navigation of the Ems, debts, &c.[4]

ANNEX VII. Convention (territorial), Prussia and Saxe-Weimar. Vienna, June 1, 1815.[5] Article 3 was embodied in the principal Treaty as Article 39.[6]

ANNEX VIII. Convention (territorial). Prussia and Nassau. Vienna, May 31, 1815.[7] This convention contains a stipulation (Article 5) relating to the fortress of Ehrenbreitstein, enabling Prussia to erect military works within a certain radius of the fortress ' even in those communes which may remain under the Sovereignty of the House of Nassau '.

ANNEX IX. Act concerning the Federative Constitution of Germany. Vienna, June 8, 1815.[8] Articles 1 to 11, first paragraph, are embodied in the principal Treaty as Articles 53 to 63. This Act established a Confederation of the Sovereign Princes and Free Towns of Germany (17 in

[1] *State Papers*, vol. ii, p. 84. [2] Ibid., vol. ii, pp. 93, 94.
[3] Ibid., vol. ii, p. 94.
[4] The Kingdom of Hanover was annexed to Prussia by Decree of September 20, 1866; *State Papers*, vol. lvi, p. 1067.
[5] *State Papers*, vol. ii, p. 100.
[6] A further Convention on the same subject was concluded between the two Powers on September 22, 1815; *State Papers*, vol. ii, p. 944.
[7] *State Papers*, vol. ii, p. 102.
[8] Ibid., vol. ii, p. 114.

number), including Denmark for the Duchy of Holstein and the Netherlands for the Grand Duchy of Luxemburg, forming together the Germanic Confederation for the maintenance of the safety of Germany and the independence of the confederated States. Austria was also a member of this Confederation. A Federative Diet was formed to sit at Frankfort, each of the 17 members having one vote, and a General Assembly in which the number of votes to each member was apportioned according to the respective extent of the individual States. The Act further contained stipulations on various matters bearing on the regulation of affairs.

ANNEX X. Treaty, Great Britain, &c. and Netherlands. Vienna, May 31, 1815.[1] Union of the Netherlands and Belgium,[2] cessions of territory, Luxemburg, boundaries, &c. Articles 1 to 8 were embodied in the principal Treaty as Articles 65 to 73. Appended to the Treaty is an Act of the Netherlands Government of July 21, 1814, accepting the sovereignty of the Belgian Provinces.

ANNEX XI A. Declaration (8 Powers) respecting Helvetic Confederacy. Vienna, March 20, 1815.[3] Articles 1 to 8 are, with certain omissions, embodied in the principal Treaty as Articles 74, 75, 76, 77, 79, 81, 82, 83. They deal with the integrity of the Cantons, the addition of 3 new Cantons, and stipulations for regrouping of territory, military roads and other internal arrangements.

ANNEX XI B. Act of Acceptance by Switzerland of the above Declaration. Zurich, May 27, 1815.[4]

ANNEX XII. Protocol (8 Powers). Vienna, March 29, 1815.[5] Cessions by Sardinia to Geneva. Passage of troops. Protection of Catholic religion in ceded territory, &c.

ANNEX XIII. Treaty, Austria and Sardinia (also Great Britain, Russia, Prussia, and France). Vienna, May 20, 1815.[6] Articles 1 to 8 embodied in principal Treaty as Articles 85 to 92. Boundaries of Sardinia, union of Genoa, fortifications, cessions to Geneva, neutrality of Chablais and Faucigny, passage of troops, &c. Appended to this

[1] *State Papers*, vol. ii, p. 136.

[2] This Union was dissolved by Treaties of November 15, 1831, and April 19, 1839; see *State Papers*, vol. xviii, p. 645, and vol. xxvii, p. 1000. This matter is subsequently dealt with in a separate chapter: see p. 126 ff.

[3] *State Papers*, vol. ii, p. 142.

[4] Ibid., vol. ii, p. 147.

[5] Ibid., vol. ii, p. 149.

[6] Ibid., vol. ii, p. 152.

Annex are the conditions respecting the government of Genoa, Geneva, &c.

ANNEX XIV. Conditions attaching to union of Genoa with Sardinia.[1]

ANNEX XV. Declaration (8 Powers). Vienna, February 8, 1815.[2] Proposed universal abolition of the Slave Trade; to be a subject for separate negotiations between the Powers.

ANNEX XVI. Regulations. Vienna, March 1815.[3] Embodied in the principal Treaty as Articles 108 to 116. Navigation of rivers. General arrangements, uniformity of system, &c. The Rhine, Neckar, Maine, Moselle, Meuse, Scheldt.

ANNEX XVII. Regulations. Vienna, March 19, 1815.[4] Concerning the Rank and Precedence of Diplomatic Agents.

The above epitome gives roughly the purport of the seventeen Annexes to the Vienna Congress Treaty of June 9, 1815.

[1] *State Papers*, vol. ii, p. 959.
[2] Ibid., vol. iii, p. 971.
[3] Ibid., vol. ii, p. 162.
[4] Ibid., vol. ii, p. 179.

CHAPTER III

THE INDEPENDENCE OF GREECE.

Nationalism in Europe — Mediaeval Greece — Greece and the Turks — Phanariots — Coräes — Revolt of Greece — England and Greece — Nicholas I — Protocol of St. Petersburg — Treaty of 1827 — Navarino — Campaigns of Diebitsch — Treaty of Adrianople — Capodistrias and Leopold of Saxe-Coburg — Treaty of London, 1832 — Bavarian Régime — The Danish Dynasty — Treaty of London, 1863 — Accessions of Territory — The European War — M. Venizelos — Salonika — King Constantine — The Provisional Government.

Texts : The Treaty of London (1832) — The Protocol of London (1830) — The Treaty of London (1863).

For thirty-three years after the Congress of Vienna, the peace of Europe, though often threatened, was never seriously disturbed. This was partly due to the aversion from war left upon men's minds by the memory of the sanguinary period which had been ushered in by the French Revolution ; partly also to the efforts of the Holy Alliance to maintain the peace of Europe by concerted action of the Powers. But the policy of the Holy Alliance could not be maintained against the growing sentiment of nationalism, which by the year 1820 was showing itself to be a potent force in Spain, Italy, and in Greece. It was in the latter country that nationalism attained one of its earliest and most remarkable developments in the nineteenth century.

Greece, since the great days of the fifth century before Christ, had passed through many vicissitudes. In turn, Romans, Byzantines, and crusading Franks had held it. Italians from Naples, Florence, and Venice had left their mark in Attica and the Morea. But by 1460 the whole of

Greece had come under the Turks, whose dominion over it, except for eighteen years of Venetian government in the Morea (1699 to 1718), remained unbroken till the nineteenth century had run one-quarter of its course.

In the meantime, during the Middle Ages and the later centuries, the Greeks had not preserved the ancient purity of their race. The Slavs had come down south of the Balkans, and the Albanians had penetrated as far even as Attica. The Greek language had become degraded into patois, filled with alien words; the glorious classics of ancient Greece were forgotten in the land.

But in the hundred years before the War of Independence actually broke out, forces were at work which gradually wrought upon the modern Greeks the consciousness that they were the heirs of an ancient heritage, that they were a people fitted still to be free and independent.

This growth of a national sentiment was not the result of Turkish misgovernment. The Turks have indeed never been good administrators. Their financial and judicial systems in Greece were in certain directions oppressive owing to an arbitrary and corrupt element in them. Yet the Turks, like all arbitrary but ill-organized governments, left a considerable amount of freedom to their subjects, and the Greeks under their rule enjoyed a considerable share of prosperity. This prosperity was noticeable throughout the whole of the eighteenth century.[1] The peasantry either cultivated their own land, or held it as tenants, paying a fixed amount of the produce as rent. Their social and economic condition was good: 'in comparison with the Prussian serf, the Greek cultivator at the beginning of the eighteenth century was an independent man; in comparison with the English labourer, he was well fed and well housed.'[2] Their prosperous condition

[1] See Finlay, *History of Greece* (146 B.C.–A.D. 1864), edition 1877, vol. v, ch. v.

[2] Fyffe, *Modern Europe*, chap. iv, edition 1892, p. 238.

ALBA
Drin
Vardar
Struma
Durazzo
MACEDONIA
Monastir
Seres
Xanthi
Kavalla
Thasos
Valona
SALONICA
Samothrace
Imbros
Lemnos
Corfu
Yanina
EPIRUS
Trikkala
Larissa
THESSALY
Volo
North
Sporades
Skyros
Prevesa
Punta
Levkas
KINGDOM OF
Euboea
Chalkis
Cephalonia
Gulf of Corinth
Patras
Corinth
ATHENS
Andros
Zante
GREECE
Gulf of Aegina
Tinos
Argos
Cyclades
Naxos
Melos
Thera
Cythera
GREECE
1832 - 1913
English Miles
0 50 100
Greek frontiers 1913
" " 1881
" " 1832

made them receptive of other influences which tended to a spiritual awakening. There were, moreover, sufficient sources of irritation in the Turkish régime to make the Greeks look upon their conquerors as infidel oppressors.

The Greek Church had always kept alive a certain amount of national feeling. The lower clergy were men of the people, married, very little above the level of those whose spiritual needs they tended. They were superstitious and unlearned, but had not the less on this account the sympathy of their flock. The higher clergy, the bishops, belonged to the monastic side of the Church ; they, too, had considerable influence over the people, through the bishops' courts, where the Turks permitted cases of both spiritual and secular interest to be brought. The services of the Church preserved something more of the classical Greek language than was contained in the vernacular of the country.

Under the Turkish régime there was almost an official aristocracy of Greeks—wealthy families, dwelling in the quarter of Constantinople by the Phanar lighthouse. These 'Phanariot' Greeks regularly held important appointments in the Turkish administration, such as that side of it which dealt with foreign relations, with the drafting of treaties, and such matters. Moreover, since the end of the native tributary princes of Wallachia and of Moldavia between 1711 and 1716, the Phanariot Greeks had by purchase secured the 'farm' of the governorship of the Principalities. The Phanariots were well-educated and often able men, who did much by establishing schools to spread the feeling of Hellenism throughout their countrymen. In this work, at the end of the eighteenth century, they were much helped by wealthy Greeks who had established themselves in Odessa, a city which was founded by the Russians in 1790, and where Greek merchants established a great hold upon the corn-trade.

The one man who did more than any other to train and

develop the comparatively small germ of national feeling which existed before his time among the Greeks was Adamantos Coräes, who devoted his long life to re-creating Greek literature and spreading the knowledge of the ancient Hellenic classics. This great scholar lived from the year 1748 to 1833, and from the year 1789 resided at Paris, an observer of the French Revolution and of the reverberations of that remarkable event in Western Europe. Spiritual things are more potent than material, and it is impossible to over-estimate the effect of the scholarship of Coräes. Expensive editions of Homer and Aristotle may not appear at first sight to be the best means of rousing an ignorant and half-Slavonic people to a sense of community with the free ancient Greeks whose language they did not understand. But Greek studies had never been really dead among the Phanariots at any time in the eighteenth century.[1] Coräes had something to build upon, and gradually he not merely extended the knowledge of ancient Greek literature, with all the political ideals that it contained, but he also created a literary language for the modern Greeks, a vehicle for the transmission of knowledge, purer than the debased patois of the peasants, but not so archaic as to be unsuitable for the needs of modern men.

By the end of the Napoleonic Wars, Greece was ready to revolt. There was a large mercantile marine, manned by the hardy islanders of the Aegean, sailing largely under the Russian flag, monopolizing a great part of the commerce of the Black Sea and the Levant. The powerful secret society, the Hetaeria Philikë, founded by the wealthy enlightened Greeks of Odessa in 1814, did much to spread the seeds of revolt. In 1820 Alexander Ypsilanti, who belonged to a distinguished Phanariot family, and had risen to be a major-general in the service of the Tsar Alexander I, was elected president of the Hetaeria Philikë.

[1] See Rhangabé, *Histoire littéraire de la Grèce moderne* (Paris, 1877); Coräes, *Autobiography* (in Greek), Athens, 1891.

Next year, March 6, 1821, he crossed the Pruth with his following of Greek officers from the Russian service. The revolt was ill-timed and ill-conducted. Some temporary success was attained in the Principalities, but before June was out the Turks had driven him across the frontier into Austrian territory, where he was imprisoned for the next seven years, and then released to die in poverty. The revolt was thus suppressed in Wallachia and Moldavia, but it broke out simultaneously in the Morea and soon spread throughout all Greece. But it had no great success for some years yet. For when the Porte had succeeded in subduing their rebellious Pasha, Ali of Yanina, their forces were too much for the divided, ill-organized Greeks. Nor did the Powers of Europe give them any encouragement or support.

For five years war went on without any decisive result. The peasant-soldiers of the Greek mainland and the hardy islanders by sea proved themselves to be good fighters. Yet the war was not more creditable to the Greeks than to the Turks; it became a war of religion and of race, disgraced by terrible massacres on either side. The Greeks themselves could not agree, and at times there was open civil war among them.

The public opinion of Europe was in favour of the Greek national cause, but the Governments at first were against it. In 1821 Castlereagh still directed British foreign policy, and was anxious to maintain the existing state of affairs, fearful of another general conflagration such as Europe had passed through after the French Revolution. Metternich was still the guiding spirit of the Holy Alliance, and prevented Alexander I of Russia from giving support to the Greeks.

In 1822 Castlereagh died by his own hand, and was succeeded as Foreign Secretary by the liberal-minded Canning. British volunteers, such as the poet Byron, the soldier Church, the sailor Cochrane, who in their different

ways gave most valuable help, joined themselves to the Greek cause. Yet the year 1825 closed with the Greek cause standing lower than ever, for Sultan Mahmud had called in the support of his independent Pasha, Mehemet Ali of Egypt, whose able son Ibrahim reconquered the Morea. The British Government had felt bound to prohibit its subjects from taking any part in the war.[1] But at the end of the year (December 1, 1825) Tsar Alexander I of Russia died, giving place to his younger brother, the determined and energetic Nicholas I, who gradually and in the end decisively made his influence felt upon the destinies of Greece.

The Tsar Nicholas was no democrat, but as the head of Russia his interests lay in striking at Turkish power in Europe, and in helping the Orthodox Greek subjects of the Porte. Canning, unlike Nicholas, was both liberal-minded and the inheritor of a tradition, then just becoming firmly established, of friendship with Turkey and support of Turkey in Europe. Yet he had sympathy with national ideals and with Greek aspirations, and the public opinion of England was with him. He decided to approach Nicholas, and accordingly in 1826 sent the Duke of Wellington to Petrograd. The Duke, a strong Conservative, a firm upholder of constituted authority, had no liking for a mission in favour of the rebel Greeks. Yet when asked to go to Petrograd, his simple creed of duty admitted of no alternative. Once he made up his mind to carry out the mission, no man was better fitted for it. His character was naturally congenial to Nicholas, and it did not take them long to come to an understanding. On April 4, 1826, the Protocol of St. Petersburg was signed.[2]

[1] Proclamation with penalties attaching, September 30, 1825, in Hertslet, vol. i, No. 125. This was apparently merely the usual Proclamation of Neutrality issued under the provisions of the Foreign Enlistment Act (59 Geo. III, cap. 69). Its effect may probably have been to recognize the Greeks as belligerents.

[2] Hertslet, vol. i, No. 129.

By this arrangement Great Britain and Russia agreed to offer their mediation to the Porte with a view to placing Greece in the position of a Dependency of Turkey. The Greeks 'should pay to the Porte an annual Tribute', and 'should be exclusively governed by authorities to be chosen and named by themselves, but in the nomination of which authorities the Porte should have a certain influence'.[1] If the Porte should reject the proffered mediation, Great Britain and Russia were still to consider this scheme as the basis of any settlement 'to be effected by their intervention, whether in concert or separately'.[2]

Next year France gave its adhesion to the policy laid down in the Protocol of St. Petersburg. On July 6, 1827,[3] the three countries concluded a formal treaty embodying the provisions of that document. To this were added some important clauses. If the Turks refused the mediation the Allies would take steps to recognize Greek independence by appointing consular agents to Greece. If neither side would agree to an armistice, the Allies would take steps to prevent a collision between them, 'without, however, taking any part in the hostilities between the Two Contending Parties'.

The Treaty of London was Canning's last achievement. He had only become Prime Minister, in succession to the venerable Earl of Liverpool, in April. In August he himself died. Lord Goderich became Prime Minister. It was during this statesman's term of office that the momentous battle of Navarino occurred.

An armistice had been proposed to the belligerents; this the Greeks had, naturally, accepted readily, but the Turks had refused. Accordingly the Allied admirals in the Mediterranean, in accordance with their instructions, resolved to put pressure on the Porte. On October 20 the English, French, and Russian squadrons sailed into the

[1] Hertslet, Article I. [2] Ibid., Article III.
[3] Treaty of London: Hertslet, vol. i, No. 136.

Bay of Navarino, the ancient Pylus, on the south-east coast of the Morea. The object of the admirals was to parley with the Turkish commander and to persuade him to an armistice. The Turkish chief, Ibrahim Pasha, was at the time away with his land forces, devastating the Morea. The colloquy with the Turks in Navarino Bay ended, as it was practically certain to do, with hostile acts on the part of the Turkish captains. The Allied fleet was in battle order, ready for such an emergency. A general conflict ensued, and by the end of the day the Egyptian fleet was destroyed.

This great battle saved Greece, for although the mainland was now overrun by the Turks, they could not touch the Islands, the real strongholds of the Greek cause. Yet its immediate results were disappointing. Admiral Codrington, who as senior officer was in command of the Allied fleet, wished to force the Dardanelles (then quite a feasible operation), and by appearing off Constantinople, to compel the Porte to accept the Treaty of London. But Canning's vigorous hand was no longer at the helm of the ship of state. Lord Goderich resigned. The Duke of Wellington became Prime Minister, resolved that he would intervene no further. The inaction of Britain, however, made very little difference to Greece now ; it only meant that Russia would gain the laurels which Britain should have shared with her. On April 20, 1828, Tsar Nicholas began war upon Turkey. The campaign of this year was a failure, but in 1829 the soldierly qualities of Diebitsch quickly made themselves felt. The passage of the Balkans was forced, and on September 14 the Porte accepted terms of peace at Adrianople.[1] By Article X of this treaty Turkey agreed to adhere to the Treaty of London, 1827, in which Great Britain, Russia, and France defined their scheme for the settlement of Greece.

The independence of Greece was thus achieved. While

[1] Hertslet, vol. i, No. 145.

the Russians had been fighting in Bulgaria, the Greeks in the Morea, aided by a French expedition sent in 1828, had reconquered that region. On February 30, 1830, the three Powers, Great Britain, France, and Russia, by a protocol entered into at London, carried into effect the declared intention of their Treaty of 1827. The Porte, by Article X of the Treaty of Adrianople, had agreed to such a course of action on the part of the Powers. But the Protocol of 1830[1] secured to Greece far better terms than the Treaty of 1827 had outlined, for in the interval the Turks had been defeated by land and sea, had lost the whole of Greece south of the Gulf of Corinth and a considerable tract to the north of the Gulf, and had been faced with the prospect of seeing a Russian army before the walls of Constantinople. Their chance of keeping the Greeks tributary had therefore passed away. The Protocol of London, 1830, declared Greece to be a completely independent State. It was to be a monarchy, under a Sovereign Prince, who should not be a member of the reigning families of any of the Powers signatory of the Treaty of 1827. Since 1827 the President of the Greek Government had been the able and patriotic Capodistrias. On February 11, 1830, the crown was accepted by Leopold of Saxe-Coburg (subsequently King Leopold I of Belgium), but he never came to his adopted country, for he renounced it in May of the same year. Capodistrias therefore remained President, but was himself assassinated in October 1831. His death was followed by another troubled period in Greece, till on May 7, 1832, the three Powers made their final act, the well-known Treaty of London, which definitely secured Greek independence, on a substantial footing.

The preamble to this treaty refers to the desire which the Greek leaders had on various occasions expressed to the three Powers that they would intervene to effect a settlement between Greece and Turkey. The Turks,

[1] Hertslet, vol. ii, No. 149.

naturally, had refused such mediation, as long as their arms were successful. But the battle of Navarino and the campaign of General Diebitsch had put an end to the Turks' chances of subduing Greece, and this they had definitely recognized when they concluded the Treaty of Adrianople. The Protocol of London, 1830 (p. 108), had made Greece independent under the guarantee of the three Powers, and is referred to in Articles IV and VI of the 1832 Treaty. The Treaty of 1827 had declared that Greece should be tributary to Turkey: the Turks refused this. The Protocol of 1830 had declared that Greece should be independent under a Sovereign Prince. Finally, the 1832 Treaty made Greece a kingdom.

By Article I the crown was offered to a prince of the ancient House of Wittelsbach, Frederick Otho, second son of King Ludwig I of Bavaria. Article IV placed the independence of Greece under the guarantee of Great Britain, France, and Russia; this guarantee is referred to and continued in the Treaty of London, July 13, 1863.[1] Article V leaves the Greek boundaries to be settled by negotiations which were then going on between the three Powers and Turkey. Article VIII contains the stipulation, usual in treaties regarding the establishment of a dynasty belonging to an already reigning house, that the two crowns are never to be united. Three other points of permanent interest appear in the treaty: by Article XII the three Powers engaged, the Emperor of Russia by his autocratic power, Great Britain and France with the consent of their legislative bodies, to guarantee the interest and sinking fund of a loan to be raised by Greece. Article XIII refers to a pecuniary indemnity to Turkey, for loss of territory owing to the establishment of Greek independence. Articles XIV and XV declared that a small body of troops and officers should be brought from Bavaria to Greece, to assist in its organization.

[1] See pp. 123–125.

Under the conditions of Article XII Greece raised a loan of 60,000,000 francs; in 1857, owing to the failure of the Greek Government to meet the charges for interest and sinking fund, Great Britain, France, and Russia had to supply the necessary funds. In 1860 an arrangement was come to by which Greece should begin again to contribute towards the discharge of her obligations, by paying £12,000 per annum to each of the three Powers, who were discharging her loan. This arrangement is still in force, but, during the lifetime of King George, the three Powers, under the Treaty of March 29, 1864, annually gave back £4,000 each as an addition to the Civil List of the Greek Crown.

The indemnity referred to in Article XIII was fixed at 40,000,000 *piastres*, in the boundary treaty between Great Britain, France, and Russia on the one part, and Turkey on the other, concluded on July 21, 1832. This sum, equal to about £375,000, was not of course compensation to Turkey for the loss of Greece, but for losses due to individual landed proprietors.

The presence of Bavarian officers and councillors round King Otho gave an influence to his method of government which was not conducive to his popularity in Greece. In 1862 his Government was overthrown by a military revolt, and the king himself deposed by a National Assembly. In the Treaty of 1832, Great Britain, France, and Russia had not guaranteed King Otho and his dynasty, but only the independence of Greece. Accordingly, when the National Assembly elected Prince William of Schleswig-Holstein-Sonderburg-Glücksburg (second son of Christian IX of Denmark) as king, Great Britain, France, and Russia agreed to this by another Treaty of London, July 13, 1863. The new king was to take the title of George I, King of the Greeks (Article II), but later in the same year it was altered to King of the Hellenes.[1] By Article III, Greece, under

[1] This Treaty is in Hertslet, vol. ii, No. 347.

the sovereignty of Prince William of Denmark, and the guarantee of the three Courts, forms a monarchical, independent, and constitutional State.

The boundary of Greece as settled by the negotiations referred to in Article V of the Treaty of May 7, 1832, included only some 750,000 of the Hellenic race. The continental boundary ran from the Gulf of Volo to the Gulf of Arta, that is to say, from a point on the mainland north of the Island of Euboea, on the east of Greece, to a point just north of Acarnania on the west.[1] A previous convention had defined the insular possessions of Greece as the Island of Euboea or Negropont and the Cyclades.[2] All this was indeed but a very small part of the ancient Hellas. By the Treaty of London, 1863, when the three Powers recognized the succession of the Prince of Denmark, Great Britain also gave to Greece the Ionian Islands,[3] which had been a British protectorate since 1815. During the Crimean War, and again in the Russo-Turkish War of 1877–8, Greece had attempted to increase her continental boundaries at the expense of Turkey. The Congress of Berlin listened to Greek delegates, but Greece gained nothing by the Treaty of Berlin. Her affairs were now in the hands of all the six Great Powers of Europe, and through their influence Turkey was induced to give up Thessaly to Greece in 1881.[4] The French Minister of Foreign Affairs, Charles Waddington, greatly contributed to this result. The disastrous war of 1897 with Turkey left Greece with a worse position on the Thessalian frontier and completed her national bankruptcy, which happened the same year. In 1912–13,

[1] Treaty between Great Britain, France, and Turkey (Constantinople), July 21, 1832. Hertslet, vol. ii, No. 161.

[2] Ibid., No. 142. March 22, 1829.

[3] See also Treaty between Great Britain, France, Russia, and Greece (London), March 29, 1864. Hertslet, vol. iii, No. 357.

[4] Treaty between the six Powers and Turkey (Constantinople), May 24, 1881. Hertslet, vol. iv, No. 584. By this rectification of her frontier Greece acquired something like 14,000 square miles of new territory.

however, Greece was more successful, and by the Treaties of London and Bucharest obtained a valuable part of Macedonia, including Salonika. She retained possession of important islands, taken by her navy in the First Balkan War (1912–3), and of Crete. To complete the limits of ancient Hellas, she would have to add certain other islands, and the coast-land of Asia Minor, the classic Ionia.

During the period when M. Venizelos was Premier, Greece made enormous progress in every direction. At the outbreak of war in August 1914, Greece and Turkey were themselves almost on the point of war over their contending interests. When Turkey threw in her lot with the Central Powers, it was M. Venizelos's hope that by aiding in the expulsion of the Ottoman Empire from Europe, he might be able to re-establish something like ancient Hellas, a nation in Greece, the Islands, and the western coast of Asia Minor.[1] He was, however, prevented from throwing Greece into the war by King Constantine, who, in the dark days of 1915, saw no reason to count on the ultimate triumph of the Entente Powers. He was, in fact, according to a telegram from himself to Berlin of July 25/Aug. 5, 1914, disclosed in the *Diplomatica Engrapha* 1913–1917

[1] See Speech of M. Venizelos, August 27, 1916 (published by the Anglo-Hellenic League, 1916):

"'Αντὶ νὰ ἐπεκταθῶμεν εἰς τὴν Μικρὰν 'Ασίαν, καὶ τὴν Θράκην καὶ τὴν Κύπρον, λύοντες τελειωτικῶς τὰς ὑπερχιλιετεῖς διαφοράς μας μὲ τοὺς δύο ἐθνικούς μας ἐχθροὺς καὶ δημιουργοῦντες 'Ελλάδα μεγάλην καὶ ἰσχυρὰν καὶ πλουσίαν, ἀνταποκρινομένην εἰς τὰ ὑψιπετέστερα ἐθνικὰ ὄνειρα, βλέπομεν τοὺς Βουλγάρους νὰ εἰσελαύνουν εἰς τὴν 'Ελληνικὴν Μακεδονίαν, νὰ καταλαμβάνουν καὶ τὴν ὕπαιθρον χώραν καὶ τὰς πόλεις καὶ τὰ φρούριά μας, νὰ αἰχμαλωτίζουν τὰ ἐκεῖ τμήματα τοῦ 'Ελληνικοῦ στρατοῦ, χωρὶς νὰ εὑρισκώμεθα πρὸς τοὺς ἐπιδρομεῖς οὔτε εἰς κηρυγμένον οὔτε εἰς ἀκήρυκτον πόλεμον καὶ ἐνῷ μᾶς παρέχονται ὑπ' αὐτῶν πρὸς ἐμπαιγμὸν αἱ φιλικώτεραι διαβεβαιώσεις."

'Instead of expanding in Asia Minor, in Thrace, and in Cyprus; instead of settling the differences of more than a thousand years with our two national enemies, and calling into being a Hellas great and rich and powerful, corresponding to the highest flights of our national aspirations—we see the Bulgarians overrunning Greek Macedonia, occupying the open country and our towns and our fortresses, imprisoning the local detachments of the Greek Army, while we ourselves are not even in a state of either declared or undeclared war towards the invaders, who continue to mock us with the assurances of their friendship.'

(p. 48), upholding 'a neutrality which would be useful to Germany'.

At the beginning of October, 1915, General von Mackensen began his great campaign against Serbia. On October 7, Bulgaria joined the Central Powers and invaded Serbia. The Serbs called on Greece to fulfil her obligations under a defensive alliance which the two States had concluded after the Second Balkan War.[1]

On September 25, 1915, M. Venizelos had asked the English and French ministers whether, in the event of Bulgaria making war upon Serbia, Great Britain and France would provide the 150,000 men which under the Serbo-Greek Treaty Serbia was bound to put in the field. Greece could provide her contingent, but Serbia, having already mobilized all her forces, could do no more. The British and French Governments at once agreed to undertake Serbia's obligations. This appears to be as far as matters went between the Allies and M. Venizelos up to the time of the landing of Allied troops at Salonika, which began on October 2. According to M. Venizelos's own account, which there is no reason to doubt, he was surprised by the landing, and had neither invited it nor consented to it.[2]

The justification of the Allies' landing at Salonika does not lie, therefore, in any invitation of M. Venizelos, but in the rights which by treaty the Allies possessed. The documents on which those rights depended were the Protocol of February 3, 1830, the Treaty of May 7, 1832, and the Treaty of July 13, 1863. The Protocol stipulates, by Article VIII, that

> No troops belonging to one of these Contracting Powers shall be allowed to enter the territory of the New Greek State without the consent of the two other Courts

[1] The treaty was made on May 19–June 1, 1913. It was published as a White Book by the Venizelos Government on August 18, 1917. See *Diplomatika Engrapha* (Διπλωματικὰ Ἔγγραφα), 1913–17, pp. 6–21.

[2] See article in *The New Europe*, November 9, 1916, by R. M. Burrows, 'Absolutism in Greece and our Treaty Rights'.

who signed the Treaty [i. e. the Treaty of July 6, 1827, see p. 106].

This protocol was agreed to by the Porte and by the Greek Government, and the guarantee of 1832 was by treaty declared to depend upon its terms.

> Greece under the sovereignty of Prince Otho of Bavaria and under the guarantee of the three Courts, shall form a monarchical and independent State, according to the terms of the Protocol signed between the said courts, on the 3rd February 1830, and accepted both by Greece and by the Ottoman Porte.

By these Acts, Great Britain, France, and Russia guaranteed the independence of Greece, but bound themselves only to land troops to maintain that guarantee with the assent of the guaranteeing Powers. The guarantee could be put into effect only if Greece was ceasing to be monarchical and independent. In 1863, however, this new treaty of guarantee inserted a fresh condition :

> Greece under the sovereignty of Prince William of Denmark and the guarantee of the three Courts, forms a monarchical, independent, and constitutional State.

The guarantee was thenceforth to become operative if Greece was in danger of losing her independence or her monarchical or constitutional government. The Allies could therefore claim in the autumn of 1915 that although Greece was remaining monarchical, its independence was in danger, owing to action of the Central Powers, and that it was ceasing to be constitutional, and was becoming absolutist.[1] For King Constantine dismissed M. Venizelos,

[1] Dr. Burrows (loc. cit.) points out that the British Foreign Office in the Parl. Paper recording 'Treaties containing guarantees or engagements by Great Britain in regard to the territory or government of other countries' (Cd. 9088, July 1898), quotes the Protocol of 1830, but omits the clause respecting armed intervention. He suggests that this omission may account for the fact that the British Government, after the landing at Salonika in October 1915, gave the 'invitation' of M. Venizelos as justification. This is unfortunate, as M. Venizelos did not intend to convey an invitation, while the treaty rights of the Allies amply justify the intervention.

and had a new Cabinet formed. The Chamber was Venizelist, but the King dissolved it, and proceeded to have a General Election, while the army, which had been mobilized on September 23, was still under arms. The Venizelists consequently abstained from taking part, and the non-interventionists gained a majority in the Chamber. The appeal of Serbia was disregarded, on the ground that the defensive treaty had been made to safeguard her from Bulgaria only, not from a general combination such as the European war involved. The real reason probably lies in the speed with which Marshal von Mackensen was overrunning Serbia. King Constantine's view of his responsibilities prevented him from going to the assistance of a defeated and practically powerless ally. The *Diplomatika Engrapha* (under date of May 9, 1916) shows that the Skouloudes Government were aware of the intention of the Germano-Bulgarians to seize Rupel.

In the summer of 1916, under pressure from the Allies, King Constantine agreed that the Greek Army should be demobilized, and that a General Election should be held among the whole people, in order to ascertain the views of the country, according to the terms of the Constitution. Before the election took place, the occupation of the Greek towns of Kavalla and Florina by the Bulgarians had made it necessary for the Allies to formulate their demands more clearly to the Greek Government. Accordingly on September 2, 1916, they presented a Note, demanding that all German and Austrian political agents should be made to leave Greek territory, and that the wireless stations, posts, and telegraphs, through which the Central Powers had been receiving information, should be given over to the control of the Allies. In these demands the Greek Government acquiesced. The reply of the German authorities to this move was to deport a Greek Army Corps, which had remained at Kavalla (September 15). A fortnight earlier the Revolution had been started at

Salonika, and a Provisional Government of Venizelists established, in favour of the Allies.

On June 12, 1917, King Constantine 'conforming to a demand presented by M. Jonnart, as representing the Protecting Powers of Greece', abdicated the Greek throne in favour of his second son, Alexander.[1] The Provisional Government became merged in the National Government.

CONVENTION BETWEEN GREAT BRITAIN, FRANCE, AND RUSSIA, ON THE ONE PART, AND BAVARIA ON THE OTHER, RELATIVE TO THE SOVEREIGNTY OF GREECE. SIGNED AT LONDON, 7TH MAY, 1832.[2]

ARTICLE I. The Courts of Great Britain, France, and Russia, duly authorised for this purpose by the Greek nation, offer the hereditary Sovereignty of Greece to the Prince Frederick Otho of Bavaria, second son of His Majesty the King of Bavaria.

ARTICLE II. His Majesty the King of Bavaria, acting in the name of his said son, a minor, accepts, on his behalf, the hereditary Sovereignty of Greece, on the conditions hereinafter settled.

ARTICLE III. The Prince Otho of Bavaria shall bear the title of King of Greece.

ARTICLE IV. Greece, under the Sovereignty of the Prince Otho of Bavaria, and under the Guarantee of the 3 Courts, shall form a monarchical and independent State, according to the terms of the Protocol signed between the said Courts on the 3rd February, 1830, and accepted both by Greece and by the Ottoman Porte.

ARTICLE V. The limits of the Greek State shall be such as shall be definitively settled by the negotiations which the Courts of Great Britain, France, and Russia have recently opened with the Ottoman Porte, in execution of the Protocol of 26th of September, 1831.

ARTICLE VI. The 3 Courts having beforehand determined to convert the Protocol of the 3rd of February, 1830 into a Definitive Treaty, as soon as the negotiations relative to the limits of Greece shall have terminated, and to com-

[1] *The Times* newspaper, June 14, 1917.
[2] *State Papers*, vol. xix, p. 33; Hertslet, vol. ii, No. 159.

municate such Treaty to all the States with which they have relations, it is hereby agreed that they shall fulfil this engagement, and that His Majesty the King of Greece shall become a Contracting Party to the Treaty in question.

ARTICLE VII. The 3 Courts shall, from the present moment, use their influence to procure the recognition of the Prince Otho of Bavaria as King of Greece, by all the Sovereigns and States with whom they have relations.

ARTICLE VIII. The Royal Crown and dignity shall be hereditary in Greece; and shall pass to the direct and lawful descendants and heirs of the Prince Otho of Bavaria, in the order of primogeniture. In the event of the decease of the Prince Otho of Bavaria, without direct and lawful issue, the Crown of Greece shall pass to his younger brother, and to his direct and lawful descendants and heirs, in the order of primogeniture. In the event of the decease of the last-mentioned Prince also, without direct and lawful issue, the Crown of Greece shall pass to his younger brother, and to his direct and lawful descendants and heirs, in the order of primogeniture.

In no case shall the Crown of Greece and the Crown of Bavaria be united upon the same head.

ARTICLE IX. The majority of the Prince Otho of Bavaria, as King of Greece, is fixed at the period when he shall have completed his 20th year, that is to say, on the 1st of June, 1835.

ARTICLE X. During the minority of the Prince Otho of Bavaria, King of Greece, his rights of Sovereignty shall be exercised in their full extent, by a Regency composed of 3 Councillors, who shall be appointed by His Majesty the King of Bavaria.

ARTICLE XI. The Prince Otho of Bavaria shall retain the full possession of his appanages in Bavaria. His Majesty the King of Bavaria, moreover, engages to assist, as far as may be in his power, the Prince Otho in his position in Greece, until a revenue shall have been set apart for the Crown in that State.

ARTICLE XII. In execution of the Stipulations of the Protocol of the 20th of February, 1830, His Majesty the Emperor of All the Russias engages to guarantee, and their Majesties the King of the United Kingdom of Great Britain and Ireland, and the King of the French, engage to recommend, the former to his Parliament, and the

latter to his Chambers, to enable their Majesties to guarantee, on the following conditions, a Loan to be contracted by the Prince Otho of Bavaria, as King of Greece.

1. The principal of the Loan to be contracted under the guarantee of the 3 Powers, shall not exceed a total amount of 60,000,000 of francs.

2. The said Loan shall be raised by instalments of 20,000,000 of francs each.

3. For the present, the first instalment only shall be raised, and the 3 Courts shall each become responsible for the payment of one-third of the annual amount of the interest and sinking fund of the said instalment.

4. The second and the third instalments of the said Loan may also be raised, according to the necessities of the Greek State, after previous agreement between the 3 Courts and His Majesty the King of Greece.

5. In the event of the second and third instalments of the above-mentioned Loan being raised in consequence of such an agreement, the 3 Courts shall each become responsible for the payment of one-third of the annual amount of the interest and sinking fund of these two instalments, as well as of the first.

6. The Sovereign of Greece and the Greek State shall be bound to appropriate to the payment of the interest and sinking fund, of such instalments of the Loan as may have been raised under the guarantee of the 3 Courts, the first revenues of the State, in such manner that the actual receipts of the Greek Treasury shall be devoted, *first of all*, to the payment of the said interest and sinking fund, and shall not be employed for any other purpose until those payments on account of the instalments of the Loan raised under the guarantee of the 3 Courts shall have been completely secured for the current year.

The diplomatic Representatives of the 3 Courts in Greece shall be specially charged to watch over the fulfilment of the last-mentioned stipulation.

ARTICLE XIII. In case a pecuniary compensation in favour of the Ottoman Porte should result from the negotiations which the 3 Courts have already opened at Constantinople for the definitive settlement of the limits of Greece, it is understood that the amount of such compensation shall be defrayed out of the proceeds of the Loan which forms the subject of the preceding Article.

ARTICLE XIV. His Majesty the King of Bavaria shall lend his assistance to the Prince Otho in raising in Bavaria a body of troops, not exceeding 3,500 men, to be employed in his service, as King of Greece, which corps shall be armed, equipped, and paid by the Greek State, and be sent thither as soon as possible, in order to relieve the troops of the Alliance hitherto stationed in Greece. The latter shall remain in that country entirely at the disposal of the Government of His Majesty the King of Greece, until the arrival of the body of troops above mentioned. Immediately upon their arrival the troops of the Alliance already referred to shall retire, and altogether evacuate the Greek territory.

ARTICLE XV. His Majesty the King of Bavaria shall also assist the Prince Otho in obtaining the services of a certain number of Bavarian officers, who shall organize a national military force in Greece.

ARTICLE XVI. As soon as possible after the signature of the present Convention, the 3 Councillors who are to be associated with His Royal Highness the Prince Otho by His Majesty the King of Bavaria, in order to compose the Regency of Greece, shall repair to Greece, shall enter upon the exercise of the functions of the said Regency, and shall prepare all the measures necessary for the reception of the Sovereign, who, on his part, will repair to Greece with as little delay as possible.

ARTICLE XVII. The 3 Courts shall announce to the Greek nation, by a joint declaration, the choice which they have made of His Royal Highness Prince Otho of Bavaria, as King of Greece, and shall afford the Regency all the support in their power.

ARTICLE XVIII. The present Convention shall be ratified, and the Ratifications shall be exchanged at London in 6 weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the Seal of their Arms.

Done at London, the 7th May, in the year of Our Lord, 1832.

(L.S.) PALMERSTON.
(L.S.) TALLEYRAND.
(L.S.) LIEVEN.
(L.S.) MATUSZEWIC.
(L.S.) A. DE COTTO.

PROTOCOL OF CONFERENCE BETWEEN GREAT BRITAIN, FRANCE, AND RUSSIA, RELATIVE TO THE INDEPENDENCE OF GREECE. LONDON, 3RD OF FEBRUARY, 1830.[1]

PRESENT: The Plenipotentiaries of Great Britain, France, and Russia.

. . . The members of the Conference, finding that the Ottoman declarations place them in a situation to concert the measures which may appear to them most desirable in the actual state of things; and being desirous of introducing into the former arrangements of the Alliance whatever improvements might be best adapted to assure new pledges of stability to the work of peace on which it is employed, decided, by common agreement, upon the following Articles:—

§ 1. Greece shall form an independent State, and shall enjoy all the rights, political, administrative, and commercial, attached to complete independence.

§ 2. In consideration of these advantages granted to the new State, and in deference to the desire expressed by the Porte to obtain the reduction of the frontiers fixed by the Protocol of the 22nd of March, the line of demarcation of the limits of Greece shall take its departure from the mouth of the River Aspropotamos, ascend that river as far as the latitude of Lake Angelo Castro, and traversing that lake, as well as those of Vrachori and Saurovitza, it shall strike the Mount Artolina, from whence it shall follow the ridge of Mount Oxas, the Valley of Calouri, and the ridge of Mount Œta, as far as the Gulf of Zeitoun, which it shall reach at the mouth of the Sperchius.

All the territories and countries situated to the south of this line, which the Conference has marked upon the map hereunto annexed—Lit. F., shall belong to Greece; and all the countries and territories situated to the north of this line shall continue to form part of the Ottoman Empire.

There shall likewise belong to Greece the whole of the Island of Negropont, with the Devil's Islands and the Island of Skyros, and the islands anciently known by the name of Cyclades, including the Island of Amorgo, situated between the 36th and 39th degrees of north latitude,

[1] *State Papers*, vol. xvii, p. 191. In French. English version as presented to Parliament in T. E. Holland, *The European Concert in the Eastern Question* (1885), pp. 28–32.

and the 26th degree of longitude east of the meridian of Greenwich.

§ 3. The Greek Government shall be monarchical, and hereditary according to the order of primogeniture. It shall be confided to a Prince, who shall not be capable of being chosen from among those of the families reigning in the States that signed the Treaty of the 6th July, 1827, and shall bear the title of Sovereign Prince of Greece. The choice of that Prince shall form the object of subsequent communications and stipulations.

§ 4. So soon as the Articles of the present Protocol shall have been conveyed to the knowledge of the parties interested, peace shall be considered as established *ipso facto* between the Ottoman Empire and Greece; and the subjects of the two States shall be reciprocally treated, in regard to the rights of commerce and navigation, as those of other States at peace with the Ottoman Empire and Greece.

§ 5. Acts of full and entire amnesty shall be immediately published by the Ottoman Porte and by the Greek Government.

The Act of amnesty of the Porte shall proclaim, that no Greek in the whole extent of its dominions shall be liable to be deprived of his property, or in any way disturbed, in consequence of the part which he may have taken in the insurrection of Greece.

The Act of amnesty of the Greek Government shall proclaim the same principle in favour of all the Mussulmans or Christians who may have taken part against its cause; and it shall further be understood and promulgated, that the Mussulmans who may be desirous of continuing to inhabit the territories and islands allotted to Greece, shall preserve their properties therein, and invariably enjoy there, with their families, perfect security.

§ 6. The Ottoman Porte shall grant to those of its Greek subjects who may be desirous of quitting the Turkish territory, a delay of a year, in order to sell their properties and to depart freely from the country.

The Greek Government shall allow the same power to the inhabitants of Greece who may wish to transport themselves to the Turkish territory.

§ 7. All the military and naval forces of Greece shall evacuate the territories, fortresses, and islands which they occupy beyond the line assigned in the second section

for the limits of Greece, and shall withdraw behind that line with the least possible delay.

All the Turkish military and naval forces which occupy territories, fortresses, or islands comprised within the limits above mentioned, shall evacuate those islands, fortresses, and territories; and shall, in like manner, retire behind the same limits with the least possible delay.

§ 8. Each of the three Courts shall retain the power, secured to it by the 6th Article of the Treaty of the 6th of July, 1827, of guaranteeing the whole of the foregoing arrangements and Articles. The Act of guarantee, if there be any, shall be drawn up separately; the operation and effects of these different Acts shall become, in conformity with the above-mentioned Article, the object of further stipulations on the part of the High Powers. No troops belonging to one of the Contracting Powers shall be allowed to enter the territory of the new Greek State, without the consent of the two other Courts who signed the Treaty.

§ 9. In order to avoid the collisions, which could not fail to result, under existing circumstances, from bringing Ottoman boundary Commissioners and Greek boundary Commissioners into contact, when the line of the frontiers of Greece comes to be laid down on the spot, it is agreed that that task shall be entrusted to British, French, and Russian Commissioners, and that each of the three Courts shall nominate one. These Commissioners, furnished with the instruction hereunto annexed,—Lit. G., shall settle the line of the said frontiers, following, with all possible exactness, the line pointed out in the second section; they shall mark out that line with stakes, and shall draw up two maps thereof, to be signed by them, of which one shall be given to the Ottoman Government, and the other to the Greek Government. They shall be bound to finish their labours in the space of six months. In case of difference of opinion between the three Commissioners, the majority of voices shall decide.

§ 10. The arrangements of the present Protocol shall be immediately communicated to the Ottoman Government by the Plenipotentiaries of the three Courts, who shall be furnished for this purpose with the common instruction hereunto annexed,—Lit. H.

The Residents of the three Courts in Greece shall also

receive, on the same subject, the instruction hereunto annexed—Lit. I.

§ 11. The three Courts reserve to themselves to embody the present stipulations in a formal Treaty, which shall be signed at London, be considered as executive of that of the 6th of July, 1827, and be communicated to the other Courts of Europe, with the invitation to accede thereto, should they judge it expedient.

CONCLUSION.

Having thus arrived at the close of a long and difficult negotiation, the three Courts sincerely congratulate themselves on having come to a perfect agreement, in the midst of the most serious and delicate circumstances.

The maintenance of their union during such periods, offers the best pledge of its permanency; and the three Courts flatter themselves that this union, as firm as it is beneficial, will not cease to contribute to the confirmation of the peace of the world.

(Signed) ABERDEEN.
MONTMORENCY-LAVAL.
LIEVEN.

TREATY BETWEEN GREAT BRITAIN, FRANCE, AND RUSSIA, ON THE ONE PART, AND DENMARK, ON THE OTHER PART, RELATIVE TO THE ACCESSION OF PRINCE WILLIAM OF DENMARK TO THE THRONE OF GREECE. SIGNED AT LONDON, 13TH JULY, 1863.[1]

ARTICLE I. His Majesty the King of Denmark, in accordance with the Prince Christian of Denmark, acting in the character of guardian of his second son the Prince Christian William Ferdinand Adolphus George, accepts for that Prince, a minor, the hereditary Sovereignty of Greece, which is offered to him by the Senate and the National Assembly of Greece in the name of the Hellenic Nation.

ARTICLE II. The Prince William of Denmark shall bear the title of George I, King of the Greeks (*Roi des Grecs*).[2]

ARTICLE III. Greece, under the Sovereignty of Prince

[1] *State Papers*, vol. liii, p. 28.

[2] The title of the Greek sovereign was subsequently changed to King of the Hellenes (Protocols of August 3 and October 13, 1863; see Hertslet, vol. ii, p. 1546, note).

William of Denmark, and the Guarantee of the 3 Courts, forms a Monarchical, Independent, and Constitutional State.

ARTICLE IV. The Limits of the Greek Territory, determined by the arrangement concluded at Constantinople between the 3 Courts and the Ottoman Porte, on the 21st July, 1832, shall receive an extension by the Union of the Ionian Islands with the Hellenic Kingdom, when such Union, proposed by the Government of Her Britannic Majesty, shall have been found to be in accordance with the wishes of the Ionian Parliament, and shall have obtained the assent of the Courts of Austria, France, Prussia, and Russia.

ARTICLE V. The Ionian Islands, when their Union with the Kingdom of Greece shall have been effected, shall be comprised in the Guarantee stipulated by Article III of the present Treaty.

ARTICLE VI. In no case shall the Crown of Greece and the Crown of Denmark be united on the same head.

ARTICLE VII. In conformity with the principle of the Hellenic Constitution recognised by the Treaty signed at London, on the 20th November, 1852, and proclaimed by the Decree of the National Assembly of Greece, of the 30th March, 1863, the legitimate successors of King George I must profess the tenets of the Orthodox Church of the East.

ARTICLE VIII. The Majority of Prince William of Denmark, fixed by the law of the Royal Family at 18 years complete, that is to say, on the 24th December, 1863, shall be considered as attained before that date, if a Decree of the National Assembly should recognise the necessity thereof.

ARTICLE IX. At the moment when the Union of the Ionian Islands with the Hellenic Kingdom shall take place, according to the terms of Article IV of the present Treaty, Her Britannic Majesty will recommend to the Government of the United States of the Ionian Islands to appropriate annually a sum of £10,000 sterling to augment the Civil List of His Majesty George I, King of the Greeks (*Roi des Grecs*).

ARTICLE X. Each of the 3 Courts will give up in favour of Prince William of Denmark £4,000 a year out of the sums which the Greek Treasury has engaged to pay annually

to each of them, in pursuance of the arrangement concluded at Athens by the Greek Government, with the concurrence of the Chambers, in the month of June, 1860.

It is expressly understood that these three sums, forming a total of £12,000 sterling annually, shall be destined to constitute a personal Dotation of His Majesty the King, in addition to the Civil List fixed by the Law of the State.

ARTICLE XI. The Accession of Prince William to the Hellenic Throne shall not involve any change in the Financial Engagements which Greece has contracted by Article XII of the Convention signed at London, on the 7th May, 1832, towards the Powers Guarantors of the Loan.

It is equally understood that the Powers will, in concert, watch over the execution of the engagement taken by the Hellenic Government in the month of June, 1860, upon the representation of the 3 Courts.

ARTICLE XII. The 3 Courts shall, from this moment, use their influence in order to procure the recognition of Prince William of Denmark in the character of King of the Greeks (*Roi des Grecs*), by all the Sovereigns and States with whom they have relations.

ARTICLE XIII. His Majesty the King of Denmark reserves to himself to take the measures which may be most proper for facilitating the arrival of King George I in his dominions as soon as possible.

ARTICLE XIV. The 3 Courts will bring the present Treaty to the knowledge of the Greek Government, and will afford to that Government all the support in their power, while awaiting the speedy arrival of His Majesty the King.

ARTICLE XV. The present Treaty shall be ratified, and the Ratifications shall be exchanged at London in 6 weeks, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the Seal of their Arms.

Done at London, the 13th day of July, in the year of Our Lord, 1863.

(L.S.) RUSSELL. (L.S.) BILLE.
(L.S.) BON. GROS.
(L.S.) BRUNNOW.

CHAPTER IV

THE KINGDOM OF BELGIUM

The Burgundian Inheritance — House of Burgundy — Partition of the Inheritance — The United Netherlands — The Spanish (Austrian) Netherlands — The Netherlands and the French Revolution — First Peace of Paris — Vienna Congress Act — Kingdom of Holland and Belgium — The July Revolution — Belgian Revolution — Leopold of Saxe-Coburg — Protocol of twenty-four articles — Treaty of 1831 — Division of territory — The Scheldt — The Treaty of 1839 — The Franco-Prussian War — The Imperial Chancellor, August 1914 — Attitude of Belgian Government towards the Guarantors — Conversations of 1906 — The Invasion of August 2, 1914 — German offers to Belgium — Bona fides of Belgium.

Texts : The Treaty of London (1839)—The Conversations of 1906.

THE Kingdom of Belgium is part of the famous Burgundian inheritance which has exercised such a fatal influence throughout the history of Modern Europe. Its origins go back to the ancient Kingdom of Lorraine, which was created by the Division of Verdun in 843, when the Empire of Western Europe, which the mighty Charlemagne had made, was split up into three parts. The central portion, Lotharingia or Lorraine, was made into a 'middle kingdom', stretching in one long strip from the south of Italy to the mouths of the Rhine, bound together by chains of mountains—the Apennines, the Jura, and the Vosges.

As the Middle Ages went on, the process of partition was carried further and further. The ancient Lotharingia became completely feudalized, and by the end of the fourteenth century the northern portion of it, the valley of the Meuse and lower Rhine, consisted of at least seventeen practically independent feudal states, fiefs of the Holy

Roman Empire or of the Crown of France. Within the next half-century nearly all these fiefs, that is all the Low Countries or Netherlands, had by one means or another come under the dominion of the House of Burgundy.

The House of Burgundy was a cadet branch of the French Royal House of Valois. The *Duchy* of Burgundy, one of the great fiefs of the Kingdom of France, was granted by John II of France in 1363 to his third son, Philip. Philip's line lasted till 1477, when it ended in the person of the Duchess Mary. In that interval, by marriage, by purchase, by force, the Dukes of Burgundy acquired one after another of the seventeen counties and lordships of the Netherlands. Throughout a great part of that time, the Burgundian power had been in close alliance with England : Duke Philip the Good had been an ally of Henry V in the Hundred Years' War ; Charles the Bold was an ally of Edward IV, and married Edward's sister Margaret. When Charles was killed before the town of Nancy in Lorraine in 1477, he left a daughter Mary (the issue of his first wife, Isabella of Bourbon) as the inheritor of all his dominions. But this fortuitous aggregation of disparate fiefs could not be held together by the hands of one weak woman. Europe has ever since been troubled by quarrels over this inheritance. ' Here,' said Louis XV of France, when visiting the tomb of the Duchess Mary at Bruges, ' here is the origin of all our wars.'

On the death of Charles the Bold in 1477, Louis XI of France was able to make himself master of Ducal Burgundy, but the Duchess Mary transferred the rest of her dominions to the House of Habsburg, by marrying Maximilian of Austria. The Netherlands (comprehending all the modern Holland and Belgium) remained together under the Habsburgs for a hundred years. In 1556 the Emperor Charles V divided all his dominions between his brother Ferdinand and his son Philip, who respectively founded the Austrian and Spanish branches of the House

of Habsburg. The Netherlands were included in the dominions of the Spanish branch under Philip. The policy of this monarch gave rise to the great revolt of the Netherlands, so graphically described by the American historian Motley. But only the seven northern provinces of the Netherlands were successful in shaking off the rule of Spain. In 1579, by the Union of Utrecht, they founded the Republic of the United Netherlands, which is now the Kingdom of Holland. The ten southern provinces, which were roughly equivalent to the modern Belgium, remained under the Spanish House, and became known ultimately as the Spanish Netherlands.

Throughout the seventeenth century the southern provinces were under Spanish rule, but in 1713 (Peace of Utrecht), as the result of the War of the Spanish Succession, they were transferred to the Austrian Habsburgs, and became known as the Austrian Netherlands. Under Austrian rule they made considerable progress in material prosperity, and undoubtedly benefited from the Habsburg-Bourbon alliance after 1756, which prevented them from being exposed to armies from France. The French Revolution, however, shook old Europe to its foundations, and exposed the Austrian Netherlands to new vicissitudes. In 1792 they were overrun by the armies of the French Republic. In 1797 they were annexed to France, and till 1814 remained under that power. On the fall of Napoleon they were for a brief period restored to Austria, and finally, in 1815, by the Treaty of Vienna they were joined once more, after an interval of 235 years, to the northern Netherlands.

The United Provinces (modern Holland), since their separation from the Southern Provinces (modern Belgium) in 1579, had remained free and independent till 1795. Their Constitution was that of a republican federation, with a quasi-monarchical element in the family of Orange-Nassau. The chief member for the time being of this

interesting House during the 215 years of the republic's existence, was for such long periods in the position of stadtholder or governor of several or all of the Provinces, that the family had, in a strictly limited sense, however, something of the position of a reigning dynasty. In 1795 the United Provinces were conquered by revolutionary France, and were reorganized on the French model as the Batavian Republic. In this, naturally, the House of Orange had no part. In 1806 Napoleon converted Holland (the name under which the old United Provinces were henceforth to be known) into a kingdom, dependent upon the French Empire, under his brother Louis. Louis's rule, though in the interests of his Dutch subjects, was not acceptable to his brother the Emperor. Therefore in 1810 Holland was incorporated in the Napoleonic Empire, and made subject to the trade restrictions, the conscription, and the financial burdens incidental to the Napoleonic régime. When the Battle of Leipsic in 1813 brought victory to the Allies, and shook the Napoleonic Empire, the Dutch seized the opportunity to revolt, and set up their independent State again, this time as a monarchy, with the chief of the House of Orange as sovereign prince. The independent Netherlands, thus re-established, was recognized by Article VI of the First Peace of Paris, May 30, 1814: 'Holland, placed under the Sovereignty of the House of Orange, shall receive an increase of territory.' This increase of territory was defined in No. IV of the secret articles of the Peace of Paris as 'the Countries comprised between the Sea, the Frontiers of France, such as they are defined by the present Treaty, and the Meuse'.[1] This arrangement was put into effect by the General Act of the Congress of Vienna, June 9, 1815. By Article LXV 'the late Belgic provinces', which it must be remembered had never as a group had any national independence, were joined to 'the ancient United Provinces of the Nether-

[1] First Peace of Paris, May 30, 1814. Hertslet, vol. i, No. 1.

lands', and the whole was erected into a kingdom under the Prince of Orange-Nassau, who took the title of King William I.

The union of Holland and Belgium was the result of a statesmanlike attempt on the part of the Congress of Vienna to deal with a difficult problem. The Low Countries, situated between France and the Germanic States, and possessing harbours on the Channel and North Sea, had on many occasions been the battle-ground of the great States of Europe. The Belgic provinces, in particular, under whatever master they happened to be, had never been able to preserve their neutrality, but had been used by one belligerent State or another in their military designs. During the War of the Austrian Succession, Belgium was for two years (1747–8) conquered and actually governed by France. The same thing had happened again between 1792 and 1814. The United Provinces had been more successful in protecting themselves, for their people were independent in spirit, and were wealthy and statesmanlike. The two groups, the United and Belgic Provinces, if joined firmly together, might have formed a very substantial State, able to defend itself, and to prevent its great neighbours from using it for their military designs. If Holland and Belgium with use and wont had gradually grown together into one State and people, the international condition of Europe in the nineteenth and early twentieth centuries would have been simplified. The Dutch and Belgians were both comfortable, peace-loving peoples, with a high standard of civilization. Being neither able nor disposed to carry on aggressive designs, all their interests were in peace, which they might have been strong enough to maintain for themselves.

But the obscure forces which produce and develop that feeling which we call national were too strong. The Dutch felt themselves to be one nation, the Belgians another. History, language, religion, and, to a certain extent, race,

NORTH
SEA
AMSTERDAM
THE HAGUE
Rotterdam
Arnhem
Bremen
Ems
Osnabruck
Maas
Essen
GERMANY
Ostend
Dunkirk
Ghent
Antwerp
Dusseldorf
Calais
Ypres
Scheldt
Malines
Cologne
BRUSSELS
Aachen
BELGIUM
Rhine
Lille
Liege
Lens
Namur
Arras
Sambre
Maubeuge
LUXEMBURG
Amiens
Somme
St Quentin
Mainz
Mezieres
Luxemburg
Laon
Aisne
Oise
Meuse
Reims
FRANCE
Verdun
Metz
Epernay
Toul
Nancy
PARIS
Marne
Strassburg
Rhine
Aube
Seine
Troyes
Epinal
Freiburg
The Frontiers of
BELGIUM
English Miles
0 50 100
Land over 1000 ft.
" " 600 "

all accentuated the difference between them. Between 1814 and 1830 these differences grew steadily more acute, and were increased by the fact that throughout that time men of Dutch birth played a far larger part in the management of the State than did Belgians. The majority of civil servants and military officers were Dutch. When in 1830 a revolution took place in France, it acted as an inspiration to the Belgians, who forthwith proclaimed a provisional government for themselves.

The Revolution of July 1830 in France was not a tremendous crisis like that of 1789, yet its effects were felt throughout Europe. The old Bourbon dynasty had been restored to France in 1814, but never became really popular again. Charles X, who succeeded Louis XVIII in 1824, did nothing to improve the position. His administration was under clerical influence, and he had little sympathy with parliamentary government. In July 1830, under the advice of his chief minister the Duc de Polignac, Charles X, by the famous 'Ordinances', suspended practically the whole Constitution which had been conferred by Louis XVIII's 'Charter'. The result was revolution in the middle classes of Paris, and by the end of the month Charles X was a fugitive in England. Prince Louis Philippe, chief of the Orleans branch of the Royal House, was elected king in his stead.

The Revolution in France was followed next month by another in Belgium. The two revolutions were not unconnected. Belgium had been practically part of France from 1795 to 1814. Its civilization was French, the French language was widely spread there. Between the two countries there was much community of interest, and the revolutionary party in France had sympathizers and active friends in Belgium. Everything therefore conduced to bring about a revolt when the news of the Revolution of July reached Brussels.

The rising actually broke out in Brussels on August 25.

The other large towns joined the movement, and within about one month only Antwerp remained in Dutch hands. A national congress met at Brussels, and on November 10 proclaimed the independence of Belgium under 'a constitutional and representative monarchy'. The Dutch reigning House of Orange-Nassau was declared to be perpetually excluded from the Belgian throne. In the meantime representatives of Great Britain, France, Austria, Prussia, and Russia had met in conference at London (November 4, 1830). Anxious to have the revolutionary movement settled, the Powers recognized the independence of Belgium under a Provisional Government (December). This was changed into a monarchy, when in April of next year (1831) the crown of Belgium was accepted by Prince Leopold of Saxe-Coburg. Prince Leopold, who appears in the well-known correspondence of Queen Victoria as her faithful friend and adviser, had been elected King of Greece in the previous year, but had renounced that precarious throne. Under him Belgium became the most successful of all the experiments in State-making which the Powers had undertaken.

It was years, however, before Holland would recognize the secession and independence of Belgium. Only the entry of a French army into Belgium put a stop to the war between the two countries. At the same time the Powers, finding Holland still unwilling to agree, took the matter under their own control. The Conference at London, on October 24, drew up the well-known Protocol of 24 Articles, which was embodied on November 15 in the famous Treaty of 1831 between Great Britain, Austria, France, Prussia, Russia, and the Kingdom of Belgium.

The division of territory between the two countries presented a great difficulty. The Kingdom of Holland represented the old seven United Provinces. The Kingdom of Belgium had grown out of the old 'Austrian Netherlands'. The district of Limburg historically belonged to both; the

northern portion, with Maestricht, had been Dutch in the eighteenth century; the southern portion, with the city of Limburg itself, was in the Austrian Netherlands. Luxemburg, on the other hand, had been wholly within the Austrian Netherlands. In 1815, however, the Congress of Vienna had made it into a Grand Duchy under the King of the Netherlands. The Dutch, therefore, had an excellent claim to it. It had, however, thrown in its lot with the Belgian Revolution in 1830. The Treaty of 1831 effected a compromise: the western portion was given to Belgium; the eastern portion, with the city of Luxemburg itself, remained a Grand Duchy under the King of the Netherlands. Neither Holland nor Belgium was particularly pleased with this arrangement. Limburg was also divided between the two States; Belgium got the old Dutch *enclaves* on the left bank of the Meuse, except Maestricht, which remained Dutch; Holland retained all Limburg east of the Meuse, and also a part on the left bank, to the north of the old *enclaves*.[1]

Later events have given prominence to the position of Holland and Belgium on the Scheldt. In effect no new situation was set up by the Treaty of 1831 nor by that of 1839, which merely repeated the same territorial provisions. The Peace of Westphalia in 1648, which concluded the Thirty Years' War of Germany and also the war between the Netherlands and Spain, recognized the hold of the Dutch over both sides of the estuary of the Scheldt. The treaty also declared the river to be closed; thus no ships could pass through the estuary between the Dutch banks, to Antwerp. The position of the Dutch on the estuary was confirmed at the end of the War of the Spanish Succession, by a treaty made between Great Britain, the Estates General, and the Emperor, on November 15, 1715. In March 1815 a treaty of the Congress of Vienna declared

[1] The divisions of Luxemburg and Limburg are shown clearly in two maps in Hertslet, vol. ii, pp. 998–9.

the Scheldt, along with the Rhine, Neckar, Main, Moselle, and Meuse, to be open to navigation, but the territorial position of the Dutch on the estuary remained unchanged. At the opening of the European War in August 1914 the Dutch Government declared the estuary of the Scheldt to be territorial waters of the Kingdom of the Netherlands, and consequently that they would not permit 'the passage across the territory situated within the territorial waters of the Netherlands by the warships or ships assimilated thereto of the belligerents'.[1] During the siege of Antwerp in October 1914 no attempt was made by the Allies to use the estuary of the Scheldt for warlike purposes, but the position of these waters in international law has never yet been precisely acknowledged or defined.

The provisions of the Treaty of 1831 were incorporated in the Treaty of 1839, which has since then regulated the position of Belgium in international law. The treaty was made between Great Britain, Austria, France, Prussia, and Russia, on the one hand, and the Netherlands on the other. By Article II the treaty and its annex were placed 'under the guarantee' of the five Powers. Holland was not one of the guarantors. By this Article, each Power undertook to guarantee the position of Belgium as defined by the whole treaty. This was not a mere *collective* undertaking, where the guaranteeing Powers bind themselves to act together as one body. It was an individual obligation imposed by each Power on itself.[2] The guarantee with respect to Luxemburg, made in 1867, was collective.[3] An individual guarantee is, if anything, more emphatic than a collective one, but the moral obligation imposed by one or the other is just the same. Belgium was thus put into what was considered, by the Powers, to be the very eligible position of a State, with its integrity and neutrality guaran-

[1] Belgian Grey Book, in *Collected Diplomatic Documents*, p. 327.
[2] See the remarks of Lord Clarendon, *Hansard*, June 20, 1867.
[3] See p. 258.

teed.[1] As a consequence of this, Belgium was declared ' bound to observe such neutrality towards all other States '. This obligation Belgium honourably interpreted as involving not merely a passive attitude of strict neutrality, but also as carrying with it the heavy task of actually defending herself against an aggressor by force of arms.

In 1870 it was feared that France or Prussia might be tempted to use Belgian territory for military operations. Accordingly, to safeguard the Treaty of 1839, Mr. Gladstone's Government concluded a treaty with Prussia on August 9, 1870. In this the King of Prussia declared ' his fixed determination to respect the neutrality of Belgium ', and Great Britain bound herself to co-operate with Prussia, by land and sea, to defend Belgium, if French troops should enter that country.[2] On August 11 the British Government concluded a similar treaty with France to defend Belgium, in case Prussia should violate Belgium's neutrality. If both France and Prussia had violated this neutrality, Great Britain might have had to go to war with each of them.

That the Kingdom of Belgium is a neutral State, guaranteed in the full enjoyment of its neutrality, independence, and integrity by the Great Powers, has never been denied. The German Imperial Chancellor admitted this in his well-known speech to the Reichstag on August 4, 1914.

> Gentlemen, that is a breach of international law. It is true that the French Government declared at Brussels that France would respect Belgian neutrality as long as her adversary respected it. We knew, however, that France stood ready for an invasion. France could wait, we could not. A French attack on our flank on the

[1] The Belgians themselves did not wish to be neutralized. See *The Invasion and the War in Belgium*, by L. van der Essen (1917), p. 11, also *The Letters of Queen Victoria* (edition 1908), vol. iii, p. 172 : The King of the Belgians to Queen Victoria :—

' This neutrality was in the real interest of this country, but our good Congress here did *not* wish it, and even opposed it ; it was *imposé* upon them ' (February 15, 1856).

[2] The treaty will be found in Mowat, *Select Treaties*, pp. 39–41.

lower Rhine might have been disastrous. Thus we were forced to ignore the rightful protests of the Governments of Luxemburg and Belgium. The wrong—I speak openly—the wrong we thereby commit we will try to make good as soon as our military aims have been attained.

He who is menaced as we are and is fighting for his highest possession can only consider how he is to hack his way through (*durchhauen*).[1]

Yet while no one has denied that under the Treaty of 1839 Belgium was a neutral and guaranteed State, doubt has been cast upon Belgium's own impartiality. It has been suggested that previously to 1914 she had formed a design to join with the Entente Powers against Germany, and that accordingly she had forfeited all right to be considered by others as a neutral State. The Treaty of 1839 contained the stipulation that Belgium should be bound to observe her own neutrality.

The ground of accusation against Belgium does not lie in the fact that she called upon England and France to assist her.

Sir,

The Belgian Government regret to have to announce to your Excellency that this morning the armed forces of Germany entered Belgian territory in violation of treaty engagements.

The Belgian Government are firmly determined to resist by all the means in their power.

Belgium appeals to Great Britain, France, and Russia to co-operate as guaranteeing Powers in the defence of her territory.

There should be concerted and joint action, to oppose the forcible measures taken by Germany against Belgium, and at the same time, to guarantee the future maintenance of the independence and integrity of Belgium. Belgium is happy to be able to declare that she will undertake the defence of her fortified places.[2]

[1] German White Book in *Collected Diplomatic Documents*, p. 438.
[2] Belgian Minister for Foreign Affairs to British, French, and

This appeal to the other guaranteeing Powers was a natural consequence of the obligation which the Powers had put upon Belgium, that she should observe her own neutrality. The guaranteeing Powers were bound to help her, once Germany had crossed her border. It would even have been quite correct for Belgium to invite the troops of a guaranteeing Power to enter the country, as a precautionary measure, before the territory had been violated. More than this, it was suggested by the British Military Attaché at Brussels in 1906 that a guaranteeing Power could, uninvited, send a force to Belgium in order to defend her neutrality against a State which was taking steps to violate it. The Belgian Government, however, refused to entertain this view. They maintained that the troops of a guaranteeing Power could only enter the country with the explicit consent of the Belgian Government.

The charge that Belgium had as early as 1906 departed from her neutrality, and taken up an attitude hostile to Germany, is based upon certain papers found in the archives of the Foreign Office at Brussels, after the occupation of that city by the Germans on August 20, 1914. These papers contained a record of conversations between the chief of the Belgian General Staff and the British Military Attaché at Brussels. The problem discussed was the manner in which Great Britain could best co-operate with the Belgian forces in the event of an attack upon Belgium by Germany. 'Should Belgium be attacked, it was proposed to send 100,000 men.' In another interview the two officers 'examined the question of combined operations, in the event of a German attack directed against Antwerp'.[1]

The conversations, when first published in the *Nord-*

Russian Ministers at Brussels, August 4, 1914; Belgian Grey Book, in *Collected Diplomatic Documents*, pp. 321–2.

[1] See Belgian Grey Book, in *Collected Diplomatic Documents*, pp. 354–60. Also *Aktenstücke zum Kriegsausbruch. Herausgegeben vom Auswärtigen Amte*, pp. 58, 62.

deutsche Allgemeine Zeitung on October 13, 1914, created considerable surprise, but as soon as the documents were seriously studied they were seen to constitute no departure from neutrality on the part of Belgium, and no intention to violate that neutrality on the side of England or France. The Treaty of 1839 had imposed upon Belgium the heavy burden of defending her territory against any State, however powerful, which should try to get a passage for troops, or a base of operations in her territory. Such defence, on the part of Belgium, could be of no avail without co-operation with the Powers which had guaranteed to stand by her, under the Treaty of 1839. She was therefore not merely at liberty, but morally obliged to concert a plan for such combined operations in her own defence. Therefore, with regard to the conversations between the Chief of the Belgian General Staff and the British Military Attaché, the only question which the Belgian Government can be called on to answer, is this : when they concerted a scheme for operations along with Great Britain against a possible attack by Germany, why did they not make a complementary agreement with Germany, for concerted operations against a possible attack by Great Britain or France ?

Such a method would have been in line with the policy pursued by Lord Granville, the British Secretary of State in 1870, when he concluded the treaty to join France, if the Germans crossed the Belgian frontier, and to join Prussia against France, if the French invaded Belgium. That the Belgian Government did not have conversations 'all round' in 1906, was because they had reason to believe that no danger threatened them from France or England, but that serious danger threatened them from Germany. The events which took place in the summer of 1914 indicate that conversations between the Belgian and German General Staffs would only have supplied Germany with military information which the Government of that country

would not have scrupled to use, for reasons of State, when the time came.

On August 2, 1914, before the fateful invasion of Belgian territory took place, the German minister at Brussels handed to the Ministry of Foreign Affairs proposals for the entrance of Imperial troops into the country. The German Government offered to ' bind themselves, at the conclusion of peace, to guarantee the possessions and independence of the Belgian Kingdom in full '.[1] After the taking of Liège, the German Government again made tempting proposals,[2] which would have saved Belgium from further horrors of a hostile occupation, and from the long drawn-out agony that was to follow. The reply of the Belgian Government was simple and direct (August 12, 1914) :

> The proposal made to us by the German Government repeats the proposal formulated in their ultimatum of August 2. Faithful to her international obligations, Belgium can only reiterate her reply to that ultimatum, the more so as since August 3 her neutrality has been violated, a distressing war has been waged on her territory, and the guarantors of her neutrality have responded loyally and without delay to her appeal.[3]

The honesty and fortitude of the Belgian Government and people show clear at the bar of history, and are an inspiring example for all time. No words can convey this more truly than those in which the editor of the *Collected Diplomatic Documents*, issued by the British Foreign Office, concludes his preface :

> This, however, may be said. Charges against Great Britain are fair methods of warfare. They may call for denial, but not for protest. But charges against Belgium, made at such a moment and in such circumstances, can be justified by no standards of policy or morality. They fail before every test known to historical criticism, and

[1] *Collected Diplomatic Documents*, p. 310.
[2] Text and trans. in *Collected Diplomatic Documents*, pp. 335–6.
[3] Ibid., p. 340.

the circumstances in which they are made are themselves a refutation. For the sufferings of Belgium today are largely due to her steady and honourable determination to appeal for no assistance which by any stretch of malicious construction could be interpreted as an infringement of the law of her existence.

TREATY BETWEEN GREAT BRITAIN, AUSTRIA, FRANCE, PRUSSIA, AND RUSSIA, ON THE ONE PART, AND THE NETHERLANDS, ON THE OTHER. SIGNED AT LONDON, 19TH APRIL, 1839.[1]

ARTICLE I. His Majesty the King of the Netherlands, Grand Duke of Luxemburg, engages to cause to be immediately converted into a Treaty with His Majesty the King of the Belgians, the Articles annexed to the present Act, and agreed upon by common consent, under the auspices of the Courts of Great Britain, Austria, France, Prussia, and Russia.

ARTICLE II. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Austria, King of Hungary and Bohemia, His Majesty the King of the French, His Majesty the King of Prussia, and His Majesty the Emperor of All the Russias, declare that the Articles mentioned in the preceding Article, are considered as having the same force and validity as if they were textually inserted in the present Act, and that they are thus placed under the guarantee of their said Majesties.

ARTICLE III. The Union which has existed between Holland and Belgium, in virtue of the Treaty of Vienna of the 31st of May, 1815, is acknowledged by His Majesty the King of the Netherlands, Grand Duke of Luxemburg, to be dissolved.

ARTICLE IV. The present Treaty shall be ratified, and the Ratifications shall be exchanged at London at the expiration of 6 weeks, or sooner, if possible. The exchange of these Ratifications shall take place at the same time as that of the Ratifications of the Treaty between Holland and Belgium.

[1] *State Papers*, vol. xxvii, p. 990. Hertslet, vol. ii, No. 183. A treaty was signed on the same day between the Powers and Belgium, followed by the same annex. Article II declared that the Treaty of the 15th Nov., 1831, should not be obligatory on the High Contracting Parties.

In witness whereof, the respective Plenipotentiaries have signed the present Treaty, and have affixed thereto the Seal of their Arms.

Done at London, the 19th day of April, in the year of Our Lord, 1839.

(L.S.) PALMERSTON. (L.S.) DEDEL.
(L.S.) SENFF.
(L.S.) H. SEBASTIANI.
(L.S.) BULOW.
(L.S.) POZZO DI BORGO.

ANNEX TO THE TREATY SIGNED AT LONDON, ON THE 19TH OF APRIL, 1839, BETWEEN GREAT BRITAIN, AUSTRIA, FRANCE, PRUSSIA, AND RUSSIA, ON THE ONE PART, AND THE NETHERLANDS, ON THE OTHER PART.

ARTICLE I. The Belgian Territory shall be composed of the Provinces of—

South Brabant ;
Liège ;
Namur ;
Hainault ;
West Flanders ;
East Flanders ;
Antwerp ; and
Limburg ;

such as they formed part of the United Kingdom of the Netherlands constituted in 1815, with the exception of those Districts of the Province of Limburg which are designated in Article IV.

The Belgian Territory shall, moreover, comprise that part of the Grand Duchy of Luxemburg which is specified in Article II.

ARTICLE II. In the Grand Duchy of Luxemburg, the limits of the Belgian Territory shall be such as will be hereinafter described, viz. :—

Commencing from the Frontier of France between Rodange, which shall remain to the Grand Duchy of Luxemburg, and Athus, which shall belong to Belgium, there shall be drawn, according to the annexed Map, a line which, leaving to Belgium the road from Arlon to Longwy, the Town of Arlon with its district, and the road from Arlon to Bastogne, shall pass between Messancy, which

shall be on the Belgian Territory, and Clemancy, which shall remain to the Grand Duchy of Luxemburg, terminating at Steinfort, which place shall also remain to the Grand Duchy. From Steinfort this line shall be continued in the direction of Eischen, Hecbus, Guirsch, Ober-Pallen, Grende, Nothomb, Parette, and Perlé, as far as Martelange: Hecbus, Guirsch, Grende, Nothomb, and Parette, shall (*devant appartenir*) belong to Belgium, and Eischen, Ober-Pallen, Perlé, and Martelange, to the Grand Duchy. From Martelange the said line shall follow the course of the Sure, the waterway (Thalweg) of which River shall serve as the limit between the two States, as far as opposite to Tintange, from whence it shall be continued, as directly as possible, towards the present Frontier of the Arrondissement of Diekirch, and shall pass between Surret, Harlange, and Tarchamps, which places shall be left to the Grand Duchy of Luxemburg, and Honville, Livarchamps, and Loutremange, which places shall form part of the Belgian Territory. Then having, in the vicinity of Doncols and Soulez, which shall remain to the Grand Duchy, reached the present Boundary of the Arrondissement of Diekirch, the line in question shall follow the said Boundary to the Frontier of the Prussian Territory. All the Territories, Towns, Fortresses, and places situated to the west of this line, shall belong to Belgium; and all the Territories, Towns, Fortresses, and places situated to the east of the said line, shall continue to belong to the Grand Duchy of Luxemburg.

It is understood, that in marking out this line, and in conforming as closely as possible to the description of it given above, as well as to the delineation of it on the Map, which, for the sake of greater clearness, is annexed to the present Article, the Commissioners of Demarcation, mentioned in Article V, shall pay due attention to the localities, as well as to the mutual necessity for accommodation which may result therefrom.

Article III. In return for the cessions made in the preceding Article, there shall be assigned to His Majesty the King of the Netherlands, Grand Duke of Luxemburg, a Territorial Indemnity in the Province of Limburg.

Article IV. In execution of that part of Article I which relates to the Province of Limburg, and in consequence of the cessions which His Majesty the King of the Netherlands, Grand Duke of Luxemburg, makes in Article II,

His said Majesty shall possess, either to be held by him in his character of Grand Duke of Luxemburg, or for the purpose of being united to Holland, those Territories, the limits of which are hereinafter described.

1st. On the right bank of the Meuse : to the old Dutch *enclaves* upon the said bank in the Province of Limburg, shall be united those districts of the said Province upon the same bank, which did not belong to the States General in 1790 ; in such wise that the whole of that part of the present Province of Limburg, situated upon the right bank of the Meuse, and comprised between that River on the west, the Frontier of the Prussian Territory on the east, the present Frontier of the province of Liège on the south, and Dutch Guelderland on the north, shall henceforth belong to His Majesty the King of the Netherlands, either to be held by him in his character of Grand Duke of Luxemburg, or in order to be united to Holland.

2nd. On the left bank of the Meuse : commencing from the southernmost point of the Dutch Province of North Brabant, there shall be drawn, according to the annexed Map, a line which shall terminate on the Meuse above Wessem, between that place and Stevenswaardt, at the point where the Frontiers of the present Arrondissements of Ruremonde and Maestricht meet, on the left bank of the Meuse ; in such manner that Bergerot, Stamproy, Neer-Itteren, Ittervoordt, and Thorn, with their districts, as well as all the other places situated to the north of this line, shall form part of the Dutch Territory.

The old Dutch *enclaves* in the province of Limburg, upon the left bank of the Meuse, shall belong to Belgium, with the exception of the town of Maestricht, which, together with a radius of territory, extending 1,200 *toises* from the outer glacis of the fortress, on the said bank of this River, shall continue to be possessed, in full Sovereignty and Property, by His Majesty the King of the Netherlands.

Article V. His Majesty the King of the Netherlands, Grand Duke of Luxemburg, shall come to an Agreement with the Germanic Confederation, and with the Agnates of the House of Nassau, as to the application of the stipulations contained in Articles III and IV, as well as upon all the arrangements which the said Articles may render necessary, either with the above-mentioned Agnates of the House of Nassau, or with the Germanic Confederation.

ARTICLE VI. In consideration of the territorial arrangements above stated, each of the two Parties renounces reciprocally and for ever, all pretension to the Territories, Towns, Fortresses, and Places situated within the limits of the possessions of the other Party, such as those limits are described in Articles I, II, and IV.

The said limits shall be marked out in conformity with those Articles, by Belgian and Dutch Commissioners of Demarcation, who shall meet as soon as possible in the town of Maestricht.

ARTICLE VII. Belgium, within the limits specified in Articles I, II, and IV, shall form an Independent and perpetually Neutral State. It shall be bound to observe such Neutrality towards all other States.

ARTICLE VIII. The drainage of the waters of the Two Flanders shall be regulated between Holland and Belgium, according to the stipulations on this subject contained in Article VI of the Definitive Treaty concluded between His Majesty the Emperor of Germany and the States-General, on the 8th of November, 1785, and in conformity with the said Article, Commissioners, to be named on either side, shall make arrangements for the application of the provisions contained in it.

ARTICLE IX. § 1. The provisions of Articles CVIII to CXVII, inclusive, of the General Act of the Congress of Vienna, relative to the Free Navigation of navigable Rivers, shall be applied to those navigable Rivers which separate the Belgian and the Dutch territories, or which traverse them both.

§ 2. So far as regards specially the Navigation of the Scheldt, and of its mouths, it is agreed, that the Pilotage and the Buoying of its channel, as well as the conservation of the channels of the Scheldt below Antwerp, shall be subject to a joint superintendence; and that this joint superintendence shall be exercised by Commissioners to be appointed for this purpose by the two Parties. Moderate Pilotage Dues shall be fixed by mutual agreement, and those dues shall be the same for the vessels of all nations.

In the meantime, and until these dues shall be fixed, no higher Pilotage Dues shall be levied than those which have been established by the Tariff of 1829, for the mouths of the Meuse from the High Sea to Helvoet, and from Helvoet to Rotterdam, in proportion to the distances. It shall be

at the choice of every vessel proceeding from the High Sea to Belgium, or from Belgium to the High Sea, to take what pilot she pleases ; and upon the same principle it shall be free for the two countries to establish along the whole course of the Scheldt and at its mouths, such Pilotage establishments as shall be deemed necessary for furnishing Pilots. Everything relating to these establishments shall be determined by the regulation to be concluded in conformity with § 6 hereinafter following. These establishments shall be placed under the joint superintendence mentioned in the beginning of the present paragraph. The two Governments engage to preserve the navigable channels of the Scheldt, and of its mouths, and to place and maintain therein the necessary beacons and buoys, each for its own part of the River.

§ 3. There shall be levied by the Government of the Netherlands, upon the navigation of the Scheldt and of its mouths, a single duty of 1fl. 50c. per ton, that is to say, 1fl. 12c. on vessels which, coming from the High Sea, shall ascend the Western Scheldt in order to proceed to Belgium by the Scheldt or by the Canal of Terneuze ; and of 38c. per ton on vessels which, coming from Belgium by the Scheldt or by the Canal of Terneuze, shall descend the Western Scheldt in order to proceed to the High Sea. And in order that the said vessels may not be subject to any visit, nor to any delay or hindrance whatever within the Dutch waters, either in ascending the Scheldt from the High Sea, or in descending the Scheldt in order to reach the High Sea, it is agreed that the collection of the duty above mentioned shall take place by Dutch agents at Antwerp and at Terneuze. In the same manner, vessels arriving from the High Sea in order to proceed to Antwerp by the Western Scheldt, and coming from places suspected in regard to health, shall be at liberty to continue their course without hindrance or delay, accompanied by one health guard, and thus to proceed to the place of their destination. Vessels proceeding from Antwerp to Terneuze, and vice versa, or carrying on in the River itself Coasting Trade or Fishery (in such manner as the exercise of the latter shall be regulated in pursuance of § 6 hereinafter) shall not be subjected to any duty.

§ 4. The branch of the Scheldt called the Eastern Scheldt not being in its present state available for the navigation

from the High Sea to Antwerp and Terneuze, and vice versa, but being used for the navigation between Antwerp and the Rhine, this eastern branch shall not be burthened, in any part of its course, with higher duties or tolls than those which are levied, according to the Tariffs of Mayence of the 31st March, 1831, upon the navigation from Gorcum to the High Sea, in proportion to the distances.

§ 5. It is also agreed that the navigation of the intermediate channels between the Scheldt and the Rhine, in order to proceed from Antwerp to the Rhine, and vice versa, shall continue reciprocally free, and that it shall be subject only to moderate tolls, which shall be the same for the commerce of the two countries.

§ 6. Commissioners on both sides shall meet at Antwerp in the space of one month, as well to determine the definitive and permanent amount of these tolls, as to agree upon a general regulation for the execution of the provisions of the present Article, and to include therein a provision for the exercise of the right of Fishing and of trading in fish, throughout the whole extent of the Scheldt, on a footing of perfect reciprocity and equality in favour of the subjects of the two countries.

§ 7. In the meantime, and until the said regulations shall be prepared, the navigation of the Meuse and of its branches shall remain free to the commerce of the two countries, which shall adopt provisionally, in this respect, the Tariffs of the Convention signed at Mayence on the 31st March, 1831, for the Free Navigation of the Rhine, as well as the other provisions of that Convention, so far as they may be applicable to the said River.

§ 8. If natural events or works of art should hereafter render impracticable the lines of navigation mentioned in the present Article, the Government of the Netherlands shall assign to Belgian navigation other lines equally safe, and equally good and commodious, instead of the said lines of navigation become impracticable.

ARTICLE X. The use of the Canals which traverse both countries shall continue to be free and common to the inhabitants of both. It is understood that they shall enjoy the use of the same reciprocally, and on equal conditions; and that on either side moderate duties only shall be levied upon the navigation of the said Canals.

ARTICLE XI. The commercial communications through

the town of Maestricht, and through Sittardt, shall remain entirely free, and shall not be impeded under any pretext whatsoever.

The use of the roads which, passing through these towns, lead to the Frontiers of Germany, shall be subject only to the payment of moderate Turnpike Tolls, for the repair of the said roads, so that the transit commerce may not experience any obstacle thereby, and that by means of the Tolls above mentioned, these roads may be kept in good repair, and fit to afford facilities to that commerce.

ARTICLE XII. In the event of a new Road having been constructed, or a new Canal cut, in Belgium, terminating at the Meuse, opposite the Dutch canton of Sittardt, in that case Belgium shall be entitled to demand of Holland, who, on the other hand, shall not in such case refuse her consent, that the said Road, or the said Canal, shall be continued, according to the same plan, and entirely at the cost and charge of Belgium, through the canton of Sittardt, to the frontiers of Germany. This Road or Canal, which shall be used only as a commercial communication, shall be constructed, at the option of Holland, either by engineers and workmen whom Belgium shall obtain permission to employ for that purpose in the canton of Sittardt, or by engineers and workmen to be furnished by Holland, and who shall execute the works agreed upon at the expense of Belgium ; the whole without any charge whatsoever to Holland, and without prejudice to her exclusive rights of Sovereignty over the Territory which may be traversed by the Road or Canal in question.

The two Parties shall fix, by mutual agreement, the amount and the mode of collection of the Duties and Tolls which should be levied upon the said Road or Canal.

ARTICLE XIII. § 1. From and after the 1st of January, 1839, Belgium, with reference to the division of the Public Debt of the Kingdom of the Netherlands, shall remain charged with the sum of 5,000,000 of Netherland florins of annual interest, the capital of which shall be transferred from the debit of the Great Book of Amsterdam, or from the debit of the General Treasury of the Kingdom of the Netherlands, to the debit of the Great Book of Belgium.

§ 2. The capitals transferred, and the annuities inscribed upon the debit of the Great Book of Belgium, in consequence of the preceding paragraph, to the amount of the

total sum of 5,000,000 Netherland florins of annual interest, shall be considered as forming part of the Belgian National Debt ; and Belgium engages not to admit, either at present or in future, any distinction between this portion of her Public Debt arising from her union with Holland, and any other Belgian National Debt already created, or which may be created hereafter.

§ 3. The payment of the above-mentioned sum of 5,000,000 Netherland florins of annual interest, shall take place regularly every 6 months, either at Brussels or at Antwerp, in ready money, without deduction of any kind whatsoever, either at present or in future.

§ 4. In consideration of the creation of the said sum of 5,000,000 florins of annual interest, Belgium shall be released from all obligation towards Holland, on account of the division of the Public Debt of the Kingdom of the Netherlands.

§ 5. Commissioners to be named on both sides shall meet within the space of 15 days in the town of Utrecht, in order to proceed to the transfer of the capitals and annual interest which, upon the division of the Public Debt of the Kingdom of the Netherlands, are to pass to the charge of Belgium, up to the amount of 5,000,000 florins of annual interest.

They shall also proceed to deliver up the Archives, Maps, Plans, and other documents whatsoever which belong to Belgium, or which relate to her administration.

ARTICLE XIV. The Port of Antwerp, in conformity with the stipulations of Article XV of the Treaty of Paris, of the 30th of May, 1814, shall continue to be solely a Port of Commerce.

ARTICLE XV. Works of Public or Private utility, such as canals, roads, or others of a similar nature, constructed wholly or in part at the expense of the Kingdom of the Netherlands, shall belong, together with the advantages and charges thereunto attached, to the Country in which they are situated.

It is understood that the capitals borrowed for the construction of these works, and specifically charged thereupon, shall be comprised in the aforesaid charges, in so far as they may not yet have been repaid, and without giving rise to any claim on account of repayments already made.

ARTICLE XVI. The Sequestrations which may have been

imposed in Belgium, during the troubles, for political causes, on any Property or Hereditary Estates whatsoever, shall be taken off without delay, and the enjoyment of the Property and Estates above mentioned shall be immediately restored to the lawful owners thereof.

ARTICLE XVII. In the two countries of which the separation takes place in consequence of the present Articles, inhabitants and proprietors, if they wish to transfer their residence from one country to the other, shall, during two years, be at liberty to dispose of their property, movable or immovable, of whatever nature the same may be, to sell it, and to carry away the produce of the sale, either in money or in any other shape, without hindrance, and without the payment of any duties other than those which are now in force in the two countries upon changes and transfers.

It is understood that the collection of the *Droit d'Aubaine et de Détraction* upon the persons and property of Dutch in Belgium, and of Belgians in Holland, is abandoned, both now and for the future.

ARTICLE XVIII. The character of a subject of the two Governments, with regard to Property, shall be acknowledged and maintained.

ARTICLE XIX. The stipulations of Articles from XI to XXI, inclusive, of the Treaty concluded between Austria and Russia, on the 3rd of May, 1815, which forms an integral part of the General Act of the Congress of Vienna, stipulations relative to Persons who possess Property in both Countries, to the election of residence which they are required to make, to the rights which they shall exercise as subjects of either State, and to the relations of neighbourhood in Properties cut by the Frontiers, shall be applied to such Proprietors, as well as to such Properties, in Holland, in the Grand Duchy of Luxemburg, or in Belgium, as shall be found to come within the cases provided for by the aforesaid stipulations of the Acts of the Congress of Vienna. It is understood that mineral productions are comprised among the productions of the soil mentioned in Article XX of the Treaty of the 3rd of May, 1815, above referred to. The *Droits d'Aubaine et de Détraction* being henceforth abolished, as between Holland, the Grand Duchy of Luxemburg, and Belgium, it is understood that such of the above-mentioned stipulations as may

relate to those duties, shall be considered null and void in the 3 Countries.

ARTICLE XX. No person in the territories which change domination shall be molested or disturbed in any manner whatever, on account of any part which he may have taken, directly or indirectly, in Political Events.

ARTICLE XXI. The Pensions and Allowances of expectants, of persons unemployed or retired, shall in future be paid, on either side, to all those individuals entitled thereto, both civil and military, conformably to the laws in force previous to the 1st November, 1830.

It is agreed that the above-mentioned Pensions and Allowances to persons born in the Territories which now constitute Belgium, shall remain at the charge of the Belgian Treasury; and the Pensions and Allowances of persons born in the Territories which now constitute the Kingdom of the Netherlands, shall be at the charge of the Netherland Treasury.

ARTICLE XXII. All Claims of Belgian subjects upon any Private Establishments, such as the Widows' Fund, and the fund known under the denomination of the *Fonds des Leges*, and of the chest of civil and military retired allowances, shall be examined by the Mixed Commission mentioned in Article XIII, and shall be determined according to the tenour of the regulations by which these funds or chests are governed.

The Securities furnished, as well as the payments made, by Belgian accountants, the judicial deposits and consignments, shall equally be restored to the parties entitled thereto, on the presentation of their proofs.

If, under the head of what are called *the French Liquidations*, any Belgian subjects should still be able to bring forward Claims to be inscribed, such Claims shall also be examined and settled by the said Commission.

ARTICLE XXIII. All Judgments given in Civil and Commercial matters, all acts of the civil power, and all acts executed before a notary or other public officer under the Belgian administration, in those parts of Limburg and of the Grand Duchy of Luxemburg, of which His Majesty the King of the Netherlands, Grand Duke of Luxemburg, is to be replaced in possession, shall be maintained in full force and validity.

ARTICLE XXIV. Immediately after the exchange of

the Ratifications of the Treaty to be concluded between the two Parties, the necessary orders shall be transmitted to the Commanders of the respective Troops, for the evacuation of the Territories, Towns, Fortresses, and Places which change domination. The Civil Authorities thereof shall also, at the same time, receive the necessary orders for delivering over the said Territories, Towns, Fortresses, and Places, to the Commissioners who shall be appointed by both Parties for this purpose.

This evacuation and delivery shall be effected so as to be completed in the space of 15 days, or sooner if possible.

Report of Conversations between the Belgian and British Military Authorities, 1906.[1]

Letter [from the Chief of the Belgian General Staff] to the [Belgian] Minister of War respecting the confidential Interviews.

(Confidential.)

Brussels, April 10, 1906.

Sir,

I have the honour to furnish herewith a summary of the conversations which I have had with Lieutenant-Colonel Barnardiston, which I have already reported to you verbally.

His first visit was in the middle of January. Lieutenant-Colonel Barnardiston told me of the preoccupation of the British General Staff concerning the general political situation and the existing possibilities of war. Should Belgium be attacked, it was proposed to send about 100,000 men.

The lieutenant-colonel having asked me how we should interpret such a step, I answered that, from the military point of view, it could only be advantageous ; but that this question of intervention had also a political side, and that I must accordingly consult the Minister of War.

Lieutenant-Colonel Barnardiston replied that his Minister at Brussels would speak about it to our Minister for Foreign Affairs.

[1] In French. (*Norddeutsche Allgemeine Zeituhng*, October 13, 1914 ; *Aktenstücke zum Kriegsausbruch. Herausgegeben vom Auswärtigen Amte.*, pp. 58–72 ; *Collected Diplomatic Documents*, pp. 354 ff.

He continued as follows: The disembarkation of the British troops would take place on the French coast, in the neighbourhood of Dunkirk and Calais, in such a manner that the operation might be carried out in the quickest possible way.[1] Landing at Antwerp would take much longer, as larger transports would be required, and, moreover, the risk would be greater.

This being so, several other points remained to be decided, viz., transport by rail, the question of requisitions to which the British Army might have recourse, the question of the chief command of the allied forces.

He enquired whether our arrangements were adequate to secure the defence of the country during the crossing and transport of the British troops—a period which he estimated at about ten days.

I answered that the fortresses of Namur and Liège were safe against a surprise attack, and that in four days our field army of 100,000 men would be ready to take the field. After having expressed his entire satisfaction at what I had said, my visitor emphasized the following points: (1) Our conversation was absolutely confidential; (2) it was in no way binding on his Government; (3) his Minister, the British General Staff, he, and myself were the only persons then aware of the matter; (4) he did not know whether his Sovereign had been consulted.

At a subsequent meeting Lieutenant-Colonel Barnardiston assured me that he had never received any confidential information from other military attachés about our army. He then gave me a detailed statement of the strength of the British forces: we might rely on it that, in twelve or thirteen days, two army corps, four cavalry brigades, and two brigades of mounted infantry would be landed.

He asked me to study the question of the transport of these forces to that part of the country where they would be most useful, and with this object in view he promised me a detailed statement of the composition of the landing force.

He reverted to the question of the effective strength of

[1] The following marginal note occurs in the facsimile:—

(Translation.)

'The entry of the English into Belgium would only take place after the violation of our neutrality by Germany.'

our field army, and considered it important that no detachments from that army should be sent to Namur and Liège, as those fortresses were provided with adequate garrisons.

He drew my attention to the necessity of letting the British Army take full advantage of the facilities afforded under our regulations respecting military requirements. Finally, he laid stress on the question of the chief command.

I replied that I could say nothing on the latter point, and I promised that I would study the other questions with care.

Later, the British military attaché confirmed his previous estimate : twelve days at least were indispensable to carry out the landing on the coast of France. It would take much longer (from one to two and a half months) to land 100,000 men at Antwerp.

On my objecting that it would be useless to wait till the disembarkation was finished, before beginning the transport by rail, and that it would be better to send on the troops by degrees as they arrived on the coast, Lieutenant-Colonel Barnardiston promised me precise details of the daily disembarkation table.

With regard to the question of military requirements, I informed my visitor that that question would easily be arranged.

As the plans of the British General Staff advanced, the details of the problem were worked out with greater precision. The colonel assured me that half the British Army could be landed in eight days, and the remainder at the end of the twelfth or thirteenth day, except the mounted infantry, on which we could not count till later.

Nevertheless, I felt bound once more to urge the necessity of knowing the numbers to be landed daily, so as to work out the railway arrangements for each day.

The British attaché then spoke to me of various other questions, viz. : (1) The necessity of maintaining secrecy about the operations, and of ensuring that the Press should observe this carefully ; (2) the advantages there would be in attaching a Belgian officer to each British staff, an interpreter to each commanding officer, and gendarmes to each unit to help the British military police.

At another interview Lieutenant-Colonel Barnardiston and I examined the question of combined operations in the event of a German attack directed against Antwerp, and on

the hypothesis of our country being crossed in order to reach the French Ardennes.

Later on, the colonel signified his concurrence in the scheme I had laid before him, and assured me of the assent of General Grierson, Chief of the British General Staff.

Other questions of secondary importance were likewise disposed of, particularly those respecting intermediary officers, interpreters, gendarmes, maps, illustrations of uniforms, English translations of extracts from certain Belgian regulations, the regulation of customs dues chargeable on the British supplies, hospital accommodation for the wounded of the allied army, &c. Nothing was settled as to the possible control of the Press by the Government or the military authorities.

In the course of the last meetings which I had with the British attaché he communicated to me the daily disembarkation table of the troops to be landed at Boulogne, Calais and Cherbourg. The distance of the latter place, included owing to certain technical considerations, would cause a certain delay. The first corps would be landed on the tenth day, the second corps on the fifteenth day. Our railways would carry out the transport operations in such a way that the arrival of the first corps, either towards Brussels-Louvain or towards Namur-Dinant, would be completed on the eleventh day and that of the second corps on the sixteenth day.

I finally urged once again, as forcibly as was within my power, the necessity of accelerating the transport by sea in order that the British troops might be with us between the eleventh and the twelfth day; the very best and most favourable results would accrue from the concerted and simultaneous action by the allied forces. On the other hand, a serious check would ensue if such co-operation could not be achieved. Colonel Barnardiston assured me that everything would be done with that end in view.

In the course of our conversations I took the opportunity of convincing the military attaché of our resolve to impede the enemies' movements as far as lay within our power, and not to take refuge in Antwerp from the outset. Lieutenant-Colonel Barnardiston, on his side, informed me that he had at present little confidence in the support or intervention of Holland. He likewise confided to me that his Government intended to move the British base of supplies

from the French coast to Antwerp as soon as the North Sea had been cleared of all German warships.

At all our interviews the colonel regularly communicated to me any confidential information he possessed respecting the military condition and general situation of our eastern neighbour, &c. At the same time he laid stress on the imperative need for Belgium to keep herself well informed of what was going on in the neighbouring Rhine country. I had to admit to him that in our country the intelligence service beyond the frontier was not, in times of peace, directly under our General Staff. We had no military attachés at our legations. I took care, however, not to admit to him that I was unaware whether the secret service, prescribed in our regulations, was organized or not. But it is my duty here to call attention to this state of affairs, which places us in a position of glaring inferiority to that of our neighbours, our possible enemies.

Major-General,
Chief of General Staff.

(Initialled.)

Note.—When I met General Grierson at Compiègne at the manœuvres of 1906 he assured me that the reorganization of the British army would result not only in ensuring the landing of 150,000 men, but in enabling them to take the field in a shorter period than had been previously estimated.

End of September 1906.

(Initialled.)

(Translation.)

(Confidential.)

The British military attaché asked to see General Jungbluth. These gentlemen met on the 23rd April.

Lieutenant-Colonel Bridges told the general that Great Britain had, available for dispatch to the Continent, an army composed of six divisions of infantry and eight brigades of cavalry, in all 160,000 men. She had also all that she needed for home defence. Everything was ready.

The British Government, at the time of the recent events, would have immediately landed troops on our territory, even if we had not asked for help.

The general protested that our consent would be necessary for this.

The military attaché answered that he knew that, but that as we were not in a position to prevent the Germans passing through our territory, Great Britain would have landed her troops in any event.

As to the place of landing, the military attaché was not explicit. He said the coast was rather long; but the general knows that Mr. Bridges made daily visits to Zeebrugge from Ostend during the Easter holidays.

The general added that, after all, we were, besides, perfectly able to prevent the Germans from going through.

April 24, 1912.

CHAPTER V

TURKEY AND THE POWERS OF EUROPE

Turkey and the Public Law of Europe — The Capitulations — The Treaty of Kutschuk-Kainardji — The Holy Places — Russia and the Orthodox Church — Invasion of the Principalities — Attitude of Great Britain and France — The tradition of friendship — Nicholas I: Lord Stratford de Redcliffe — The Vienna Note — The War of 1853–6 — Admission of Turkey to the Public Law of Europe — Russian aspirations towards Constantinople — Policy of Pitt — Treaty of Tilsit — Treaty of Bucharest (1812) — Greek War of Independence — Treaty of Adrianople — Mehemet Ali — Treaty of Unkiar Skelessi — Lord Palmerston and the Quadruple Alliance — Convention of the Straits — Treaty of Paris — Collective guarantee to Turkey — Reforms promised — Closing of Straits — Neutralization of Black Sea — Navigation of the Danube — European Commission — Roumania — The Bessarabian Frontier — Serbia — The Äland Islands — Declaration of Paris respecting Maritime Law.

Texts: The Treaty of Paris (1856) — The Straits Convention (1856) — The Declaration of Paris (1856).

Up till the year 1856 the Public Law of Europe had to a large extent consisted of the Acts of the Congress of Vienna (1814–15) and the treaties which were consequential to it. But in the Vienna Settlement Turkey had no part. It stood outside the Public Law of Europe, nor was it recognized in any Concert of European States, although it had treaties with individual Governments. The Treaty of Paris, March 30, 1856, admitted Turkey to the Public Law of Europe, recognized it as a European State, and guaranteed its position. This was the result of the war between Russia on the one part, and Turkey, Great Britain, France, and Sardinia, on the other, popularly known in this country as the Crimean War.

Most of the treaties concluded by Turkey with individual European States are called Capitulations, and referred chiefly to commercial privileges, and to extra-territorial rights granted to foreigners resident in Turkey. These Capitulations (which were denounced by the Turkish Government on September 11, 1914) contained causes of grave trouble, as they created an *imperium* or rather a series of *imperia in imperio,* and gave foreign Governments grounds for interfering in the internal affairs of the country.

The Capitulations of 1740 with France and the Treaty of Kutschuk-Kainardji in 1775 with Russia are good instances of the way in which foreign Governments acquired, or seemed to have acquired, the right of interfering in the internal affairs of Turkey. The Capitulations of 1740 with France confirmed all the existing rights and privileges of the Latin Church in Palestine. France therefore appeared to be from that time the protector of the Latin Church in the Turkish dominions. In the same way, the Russian Government claimed to be the lawful protector of the Greek Church in Turkey. Article VII of the Treaty of Kutschuk-Kainardji (January 10, 1775) between Turkey and Russia is as follows: 'The Sublime Porte promises to protect firmly the Christian religion and its churches; and also it permits the Ministers of the Imperial Court of Russia to make on all occasions representations in favour both of the new church at Constantinople, of which mention is made in Article XIV, and of those who carry on its service, promising to take them into consideration as made by a person of confidence of a neighbouring and sincerely friendly power.'[1] Thus France and Russia both claimed the right of protecting their co-religionists in Turkey.

[1] Treaty of Kutschuk-Kainardji, January 10, 1775, in G. F. von Martens, *Recueil de Traités* (Göttingen, 1817), tome ii, pp. 287–322. Article XIV refers to the building in the quarter of Galata of 'a public church of the Greek rite, which will always be under the protection of the ministers of that Empire' (i.e. of Russia).

Disputes over these points led to the outbreak of the Crimean War.

The question of the Latin Church came forward in 1851, and caused acute feeling. The church at Bethlehem, built over the place where Christ was born, was in charge of monks of the Orthodox or Greek Church. The Latin monks of Bethlehem did not claim the church itself, but they claimed the right of having the key of the chief door, and also of placing a silver star with the arms of France within the sanctuary of the Nativity. By the end of the year 1852, Napoleon III, who had in the previous year succeeded in making himself Emperor of the French, gained from the Turkish Government recognition of the claims of the Latin monks. The dispute about the Holy Places was thus settled with a victory for France.

The dispute about the Holy Places had no direct bearing on the Crimean War, because it was settled before the war was thought of. But the triumph of France in the dispute hurt the pride of the Tsar Nicholas I, and injured the religious feelings of the Russians, for whom pilgrimages to Palestine were a real thing. Nicholas therefore put forward the claims of Russia to protect all the subjects of the Porte who were members of the Orthodox, that is, the Greek Church. The Turkish Government denied that any such right was conferred by the Treaty of Kutschuk-Kainardji. The claim of the Russian Government was indeed rather a serious one. The Orthodox subjects of the Porte numbered millions, and formed really a separate nation inside Turkey. To acknowledge the Russian Government as the protector of that nation would be tantamount to giving away a portion of Turkish sovereignty. The mission of Prince Menshikoff to Constantinople in 1853 had no effect upon the Turks, who were kept firm in their attitude by the great English ambassador, Lord Stratford de Redcliffe. A conflict of wills was thus set up between the Russian and Turkish Governments. As Nicholas could not by

diplomatic means impose his will on the Porte, he resolved to do so by war. On June 22, 1853, his army crossed the Pruth and proceeded to occupy the dependent Danubian principalities of Turkey, Moldavia and Wallachia.

The war had thus begun over a dispute between Russia and Turkey concerning the question of a protectorate for the Greek Church. But the Governments of Great Britain and France felt that something more was involved, namely, the existence of Turkey in Europe. Great Britain and France therefore, to prevent the destruction of European Turkey, directed their efforts first to stop the war and to settle the dispute by diplomacy; failing in this, to save Turkey by taking part in the war. Great Britain and France by the Crimean War saved Turkey in Europe: it is just possible, however, that if they had persisted a little longer in their diplomatic efforts, as Lord Stratford wished them to do, they might have saved it without taking part in the war.

That Great Britain should take an active interest in the question, diplomatically or otherwise, was unavoidable. We had at that time a traditional policy, deliberately founded upon reason and experience, of supporting Turkey, and of opposing Russian designs upon Constantinople. The forces of Islam are widespread, profound, and incalculable. It was considered safer for us to keep those forces in comparative quiet than to excite them indefinitely by hostility to the Turks. But we could not remain friendly with the Turks without supporting their position in Europe, to which both they and all the Mohammedan world attached the greatest value. The aims of the Russians were incompatible with the existence of Turkey in Europe. The historic movements of that great people have been towards the seas, the Baltic, the Black Sea, the Mediterranean, the Pacific. Constantinople, the gate of the Black Sea and the Mediterranean, the capital of the ancient Byzantine Empire, the great city of the Orthodox

Church, was a natural and reasonable object of Russian aspirations.

The Turks by themselves were not strong enough to maintain their hold upon Constantinople. 'The Sick Man' was Nicholas I's term for Turkey; the Ottoman Empire had in his time all the appearances of a State on the verge of disruption, and Nicholas was anxious that a reasonable scheme should be proposed by the Powers for meeting this result. 'I repeat to you', he said to our ambassador Hamilton Seymour at Petrograd in February 1852, 'that the sick man is dying, and we can never allow such an event to take us by surprise. We must come to some understanding.'[1] Great Britain refused to come to any such understanding. Lord Stratford de Redcliffe firmly believed that Turkey had within it the possibilities of reform, of becoming a self-respecting and efficient State. France, too, supported Turkey, for she had great interests in the Mediterranean, and Napoleon III had a vigorous foreign policy.

The Powers acting in concert tried to settle the dispute between Russia and Turkey by diplomatic means. Together the Governments of Great Britain, France, Austria, and Prussia, in August 1853 presented to Turkey the 'Vienna Note', which they had drawn up. The Porte rejected the Note as it seemed, according to its wording, to imply the existence of a Russian protectorate over the Greek Church. Accordingly it was sent back to be re-drafted. But a combination of circumstances precipitated war, before a new Note could be drawn up. While, at Constantinople, Lord Stratford de Redcliffe was working for a peaceful issue, there was a war-fever among the Turks themselves. Napoleon III, acting on reports from the French Ambassador, began to fear that delay might cause the dissolution of the Turkish Empire. In England, Lord Aberdeen's Government came quickly to the same view. On Sep-

[1] Quoted by Kinglake, *Invasion of the Crimea*, vol. i, p. 88.

tember 23, 1853, the order was sent to the British Fleet to pass the Dardanelles. The passage was made on October 14, the Porte having ten days previously declared a formal state of war against Russia.[1]

The long and costly war in the end accomplished its objects for the Allies. The Russian invasion across the Danube was foiled by the heroic defence of Silistria, and Nicholas even had to evacuate the Principalities. The evacuation of the Principalities practically involved, for the time being at any rate, the abandonment of the Russian claim to a protectorate over the Greek Church in Turkey. Thus the dispute over which the war had begun was so far settled. But the Allied Powers resolved to go further, and, by destroying Russia's naval base on the Black Sea, to prevent at any rate for a considerable period the advance of Russian power to Constantinople. The siege and capture of Sebastopol accomplished this object, and left, for the time being, no further cause for war. When the invasion of the Crimea was thus crowned with success, a meeting of the Concert of Europe took place at Paris, and the Treaty of 1856 was concluded.

The outstanding points in the Treaty of Paris, March 30, 1856, are that it admitted Turkey to a place in the Public Law of Europe, and guaranteed its integrity. Turkey was therefore no longer outside the pale; the tradition which had come down from the time of the Crusades, that the Turks were the enemies of Europe and of civilization, was abandoned. Turkey was henceforth to be a member of the European States-System, and to be treated as a civilized community.

The Treaty of Paris was thus a definite denial to the aspirations of Russia. That mighty Empire, despite its vast territory, its natural resources, its industrious people,

[1] The Declaration of War by Turkey is a very interesting and clear account of the causes of the War. It is given in full in Hertslet, vol. ii, No. 234.

has always suffered from being land-locked. Always trying, it has never completely succeeded in getting room and free-play upon the oceans of the world. Every inch of its seaboard has had to be wrested from an alien Power. Every crisis in modern European history has shown Russia faced with the prospect of blockade by its neighbours. Against such a contingency, the possession of Constantinople would have at least partially provided. The Turks, however, have been in possession since 1453. By admitting them to the privileges of the Public Law of Europe, the Treaty of Paris recognized them as a civilized and respectable State, and if by her subsequent conduct in the community of European States, Turkey should justify her position there, neither Russia nor any other Power would have a moral right to expropriate her.

This rise of Turkey to membership among the States of Europe was due in great part to the friendship which Great Britain had maintained with her since 1790. By that year the Russian trend towards Constantinople was becoming swift and unerring. The Empress Catherine II was carrying out a successful war of annexation. In vain did Great Britain and Prussia, who with Holland had formed a famous Triple Alliance in 1788, threaten war and prepare their forces. The ultimatum which the allied Powers sent to Petrograd in 1791 was never presented, and next year Catherine concluded the Peace of Jassy, in the modern Roumania (January 9, 1792), and the port of Oczakov passed under the dominion of Russia. Oczakov itself was of little value as a port, but two years later Odessa was founded near by, and rapidly became a great city, equally important for war and for commerce. Pitt's policy had failed for the moment, but it was not abandoned. Great Britain continued steadily to support the Turks, and their alliance helped to preserve the British Empire during the Napoleonic Wars.

In 1807 (July 7) Napoleon and Alexander I made peace

at Tilsit in East Prussia, after the Russians had been soundly beaten at the battle of Friedland. The two Powers became Allies; Secret Articles provided that Russia was to aid Napoleon in his conflict with England, France was to help Russia in her designs upon Turkey. A partition of the Ottoman Empire in Europe was contemplated. The English Foreign Minister Canning obtained almost immediately information about the understanding which Napoleon and the Tsar had come to. From this time the policy of the British Government with regard to Russia, in everything which related to Turkey, became fixed.

The expansion of Russia towards Constantinople was steadily pursued. In 1809–10 a fresh campaign was undertaken, and went favourably for Russia. But the rupture between Alexander and Napoleon made it necessary for the Tsar to free his hands with regard to Turkey. So on May 28, 1812, the Treaty of Bucharest[1] was signed. Russia gained lands east of the Pruth, and Serbian autonomy was recognized by Turkey.

On the whole, the cataclysms of the Napoleonic period left the Turkish Empire comparatively unscathed. The Greek War of Independence (1821–9) was to leave a deeper mark. The mediation offered by Great Britain, France, and Russia was rejected by the Turks; and after the battle of Navarino, Russia declared war. The campaigns of 1828–9 closed with the Treaty of Adrianople (September 14, 1829). Russia had occupied the Danubian principalities of Wallachia and Moldavia, but she now evacuated them, stipulating, however, for their continued autonomy under the Porte with renewed and increased privileges. The Pruth was restored as the boundary in Europe between the Russian and Ottoman Empires. Turkey agreed that there should be freedom of trade and navigation in the Black Sea, and declared the Bosphorus and Dardanelles open to

[1] Confirmed and explained by the Treaty of Akerman, September 25, 1826 (Martens, vol. xvii, p. 1053).

all Russian merchant-vessels, and to the merchant-ships of all other Powers with whom the Porte was at peace.

In 1829, at the Peace of Adrianople, Russia had behaved with great moderation towards Turkey. Nicholas I was at this period aiming not at annexation, but at influence. Turkish power was declining : the Powers of Europe would not tolerate her absorption by Russia, but if Russia peacefully became the friend and protector of Turkey, they might not be able to gainsay such a position. In 1833 Russia achieved this position, and without violence became for a short time supreme at Constantinople.

The Pasha of Egypt, Mehemet Ali, the founder of the present dynasty there, was too great a subject for his master the Sultan. In 1832 there was open war between the two : the organized and disciplined army of Mehemet Ali, under his son Ibrahim, drove the Sultan's army out of Syria, invaded Asia Minor, and having destroyed the Turkish Army at Konieh (December 21), opened the road to the Bosphorus. At last the Turkish Empire seemed definitely faced with destruction, not from without but from within. At this point, Tsar Nicholas I offered his alliance and saved the Porte from Mehemet Ali. A Russian squadron was admitted to the Bosphorus, Russian soldiers were sent to join with the Turkish forces. A defensive alliance was concluded by the Treaty of Unkiar Skelessi, July 8, 1833,[1] and Russia became the paramount power at Constantinople.

Article I of this remarkable treaty enacted a defensive alliance between Russia and Turkey. Article III enacted that in order to maintain the independence of Turkey, the Tsar would furnish, when called upon, the forces necessary by land and sea to secure this object. A secret article in conclusion was the most momentous of all : it provided that, although the treaty was one for mutual defence, yet in order to spare Turkey the expense of providing troops

[1] Hertslet, vol. ii, No. 168.

for Russia, the Tsar 'will not ask for that aid if circumstances should place the Sublime Porte under the obligation of furnishing it'. Instead, 'the Sublime Ottoman Porte, in place of the aid which it is bound to furnish in case of need, according to the principle of reciprocity of the Patent Treaty, shall confine its action in favour of the Imperial Court of Russia to closing the Strait of the Dardanelles, that is to say, to not allowing any Foreign Vessels of War to enter therein under any pretext whatsoever'. This simply meant that if Russia was at war with any of the European Powers, the Dardanelles would be closed to all their war-ships, but that the Russian Fleet could pass freely to and from the Mediterranean. The straits into the Black Sea were to be just 'a Russian fortified post'.[1] The Treaty was to be in the first instance for eight years only.

The Powers of Europe were too vigilant to allow Russia thus to have all her own way with Turkey in Europe. Lord Palmerston, who for so long guided the foreign affairs of England, saw the trend of Russian policy distinctly. When the next crisis occurred in the Turkish Empire, he arranged a joint intervention of the Powers of Europe, and the Treaty of Unkiar Skelessi was never put in force.

The crisis came in 1839, when Sultan Mahmud sent his army into Syria to regain it from the power of Mehemet Ali. At Nisib Mahmud's troops were scattered to the winds by Mehemet's son Ibrahim. Now was the time when Russia might have stepped in to protect Turkey, whose independence was actually threatened by Mehemet Ali. Lord Palmerston, however, intimated that the affairs of Turkey were now the concern of Europe, not a private matter between the Porte and the Tsar. On July 15, 1840[2] a quadruple alliance was entered into

[1] Fyffe, *Modern Europe*, p. 663 (ed. 1895).

[2] Convention between Great Britain, Austria, Prussia and Russia, and Turkey, for the Pacification of the Levant (London), July 15, 1840; Hertslet, vol. ii, No. 190.

between Great Britain, Russia, Prussia, and Austria. France sympathized too much with Mehemet Ali to act with the Concert at this moment, and a war between her and Prussia all but broke out then.[1] By the end of the year 1840, the power of Mehemet Ali had been destroyed in Syria, and the British Admiral, Sir Charles Napier, dictated terms to him at Alexandria. The terms were put into effect by the Sultan, who issued an Imperial *Firman* or decree on February 12, 1841, granting to Mehemet Ali the hereditary Pashalik of Egypt.

Great Britain, Austria, Prussia, and Russia thus acting in concert had freed the Sultan from his difficulties. They therefore took the opportunity of settling the question of the Bosphorus and Dardanelles. France was glad to re-enter the concert. Russia made no attempt to renew the Treaty of Unkiar Skelessi; she no longer expected by agreement with Turkey to control the Dardanelles as an advanced fortified post. Instead the ancient custom of the Ottoman Empire was revived by a Convention of the Five Powers and Turkey. The Bosphorus and Dardanelles were to be closed to foreign ships of war when the Porte was at peace: 'so long as the Porte is at peace, His Highness will admit no Foreign Ship of War into the said Straits.'[2] When the Crimean War broke out, the Porte opened the Straits to the fleets of Great Britain and France. When the war was concluded, the Treaty of Paris re-enacted the rule by which the Straits were to be closed to foreign ships of war when the Porte was at peace. Other matters of the greatest importance for future history were dealt with by the same treaty.

[1] It was in this year, and in consequence of the threat of war, that 'Die Wacht am Rhein' was written by Max Schneckenburger, a native of Thalheim, in Wurtemberg(1819–49). The music was composed in 1854.

[2] Convention between Great Britain, Austria, France, Prussia, Russia, and Turkey respecting the Straits of the Dardanelles and the Bosphorus (London), July 13, 1841; Hertslet, vol. ii, No. 193.

The preamble of the Treaty of Paris, which included Sardinia, represented by Cavour, as one of the powers of Europe, declared that the independence and integrity of the Ottoman Empire are necessary for the peace of Europe. This rule was converted into a collective[1] guarantee in Article VII, a most important article, which also declared Turkey to be admitted into the Public Law and System of Europe. It was understood, of course, that while thus recognized and guaranteed as a European State, Turkey must behave as such. Accordingly Article IX put on record the Sultan's 'generous intentions towards the Christian population of his Empire', and referred to a Firman issued on February 18, 1856, in which the Sultan had promised a series of excellent reforms. These reforms included 'to each sect, whatever the number of its adherents, entire Freedom in the exercise of its Religion'. All Turkish subjects were made admissible, without distinction of nationality, to public employments. Taxes were to be equal for all communities, and the system of direct collection was gradually to be substituted for the method of farming the revenues.[2] All these reforms promised by the Sultan, according to Article IX of the Treaty of Paris, emanated 'spontaneously from his Sovereign will'. But although the Treaty put on record the Sultan's 'generous intentions towards the Christian population of his Empire',

[1] For the difference between a *collective* and an *individual* guarantee, see Mowat, *Select Treaties*, pp. xix–xx and xxxvi. The following is the French text of Article VII of the treaty (*State Papers*, vol. xlvi, p. 12):

'VII. Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté l'Empereur d'Autriche, Sa Majesté l'Empereur des Français, Sa Majesté le Roi de Prusse, Sa Majesté l'Empereur de toutes les Russies, et Sa Majesté le Roi de Sardaigne, déclarent la Sublime Porte admise à participer aux avantages du droit public et du concert Européens. Leurs Majestés s'engagent, chacune de son côté, à respecter l'indépendance et l'intégrité territoriale de l'Empire Ottoman: garantissent en commun la stricte observation de cet engagement: et considéreront, en conséquence, tout acte de nature à y porter atteinte comme une question d'intérêt général.'

[2] Text in Hertslet, vol. ii, No. 263.

it definitely excluded any of the signatory Powers from claiming any right, as Russia had done, to interfere in the relations between the Sultan and his subjects (Article IX).[1]

Article X enacted the principle, already laid down in the preamble, that the Dardanelles and Bosphorus should be kept closed to foreign ships of war when the Porte was at peace. This was not an unfair principle, for if it prevented Russia from sending her ships through the Dardanelles to the Mediterranean, it also prevented other Powers from having war-ships in the Black Sea. It has not proved injurious to Russia's interests, as her ships have been able to appear in the Mediterranean, having come from the Baltic. It was from the Baltic that Admiral Rojdesvensky's fleet sailed in October 1904 to the Sea of Japan. The interdiction of war-ships in the Black Sea almost necessarily implied the prohibition of military and naval arsenals there, as was enacted in Article XIII.[2] The invasion of the Crimea by Great Britain and France in 1854 had been directed to this end. While the Black Sea was being neutralized, the Treaty of Paris also secured that it should be open to the mercantile marine of every nation (Articles XI, XII). A Convention of the same date between Russia and Turkey (referred to in Article XIV) provided that it should be open to each of the two Powers to keep in the Black Sea ten light steamships for police purposes. This Convention was not to be annulled or modified without the consent of the seven Powers signing the Treaty of Paris (Article XIV).

The Powers also took the opportunity offered by the Congress of Paris, of regulating by international agreement the navigation of the Danube. This great historic

[1] It was announced in the European press on January 3, 1917, that the Porte no longer considered itself bound by the Treaties of Paris and Berlin, 1856 and 1878, and that it claimed accordingly complete independence as a Power.

[2] The Black Sea ceased to be neutralized in 1871; see below, pp. 312 ff. See also p. 11.

river was for centuries the highway of migratory nations, who have occupied different sections of its basin. The political difficulties in the way of its free navigation were numerous enough, but the physical difficulties were even greater. Yet as various States controlled parts of the river, only by international agreement could any plan of common improvement be provided.

Article XV of the Treaty of Paris enacted the principle contained in the General Act of the Congress of Vienna (Articles CVIII–CXVII), respecting the navigation of rivers which separate or traverse different States. No toll was to be charged for right of way, nor any duty for goods on board the vessels. The principle of free navigation was to form part of the Public Law of Europe, and to be guaranteed by the signatory Powers. In order that the necessary improvements might be made to the mouths, a European Commission of representatives of the seven signing Powers was established by Article XVI. The Commission was to deal with the river below Isatcha, about sixty miles as the crow flies from the coast. To pay for the improvements, the Commission was given power to levy tolls for navigation over the course of the river under its control.

In addition to the European Commission, for the improvement of the mouths of the Danube, there was to be a River Commission consisting of representatives only of those Powers by or between whose territories the Danube actually flowed. These Powers were Turkey, Austria-Hungary, Bavaria, and at the head of the Danube, Wurtemberg. The three Danubian Principalities—Wallachia, Moldavia, and Serbia—were still subject to Turkey, but were to be represented separately on the River Commission. This Commission was to make all necessary improvements above Isatcha, and any political arrangements necessary for the free navigation of the river, and was to prepare regulations for properly policing it, and controlling the navigation. It was expected (Article XVIII)

that the improvements would be completed within two years. At the end of this time accordingly, the European Commission of the seven signatory Powers was to be dissolved, and the River Commission was thenceforward to have control of the whole of the Danube, both below and above Isatcha. As a matter of fact the improvements occupied many more years, and the River Commission never came into existence. Instead, the European Commission has continued to the present time. Its headquarters are at Sulina. The Commission's powers have been gradually extended upwards from Isatcha to Braila, an additional thirty-seven miles, which is as far as large sea-going ships can proceed up the river. Beyond this point the States which possess the banks have made themselves responsible for effecting the necessary improvements.

Articles XX to XXX refer to the three Principalities of Moldavia, Wallachia, and Serbia, of which the first two became the flourishing and progressive Kingdom of Roumania. The Principalities of Moldavia and Wallachia, although often treated in an arbitrary manner, had yet always enjoyed a considerable amount of autonomy under Turkish rule. Since early in the eighteenth century they had been governed by 'Phanariot' Greek Hospodars.[1] In 1775, by the Treaty of Kutschuk-Kainardji, Russia had put them under her protection. It was during the war—Austria and Russia against Turkey—which preceded this treaty that the province known as Bukovina was taken from Moldavia by the Austrians. During the period following the Treaty of Kutschuk-Kainardji the Russian Government, which under Article XVI had the right to make representations to the Porte in the interests of the Principalities, did much to secure tolerable treatment for the Moldavians and Wallachians. During the Napoleonic period there was another Russo-Turkish War, concluded by the Treaty of Bucharest in 1812. In this

[1] See p. 102.

war the Russian Army had occupied the two Principalities. They were now restored to Turkey, with the exception of that portion of Moldavia which lay between the Pruth and the Dniester. This portion, which is called Bessarabia, was annexed by Russia. By the Treaties of Akerman in 1826 and of Adrianople in 1829 Russia induced Turkey to confirm and extend the privileges of the two Principalities. On the other hand Russia annexed the mouths of the Danube. When the war between Russia and Turkey broke out in 1853, Moldavia and Wallachia were occupied by the Tsar's troops, but when the Danubian campaign failed the Russians withdrew and the Principalities were occupied by the Austrians.[1] At this point we come to the Treaty of Paris of 1856, a great landmark in the history of the Principalities.

In the first place, Article XX and XXI of the Treaty of Paris pushed back the Russian frontier of Bessarabia, so that Moldavia once more possessed the mouths of the Danube and a considerable tract to the east of the River Pruth. Secondly, the privileges of the two Principalities were confirmed, and guaranteed by all the contracting States, so that Russia had no longer any special position as protecting Power (Article XXII). Articles XXIII to XXVIII referred to plans for securing and consolidating the administration of the two Principalities. An International Commission was to consider schemes of reform, and representative councils or *divans* were to be convoked in Moldavia and Wallachia, ' to express the wishes of the people in regard to the definitive organization of the Principalities '. The result of these conditions, which were carried into effect in 1857, was that the representative councils in September of that year voted that the two Principalities (still under the suzerainty of Turkey) should no longer be administered separately, but as one State,

[1] The occupation of the two Principalities by Austrian troops is referred to in Article XXXI of the Treaty of Paris, March 30, 1856.

under the common name of Roumania. At this point the history of the single State Roumania begins.

The union of Moldavia and Wallachia was not accepted at once by the Powers and Turkey. The two Principalities were left with separate national assemblies. But each assembly (January 1859) unanimously elected the same man for Governor, Prince Alexander Couza, belonging to an ancient *boiar* or noble family of Moldavia. This union was still forbidden by the Powers and Turkey, but the national demand in Roumania was strong and persistent, and was finally recognized by the Powers and the Porte in 1861.

Articles XXVIII and XXIX confirmed the privileges of Serbia. This country, the third of the Danubian Principalities, had gained its autonomy by revolts against the Porte between 1804 and 1817, during which the Serbs were naturally much helped by the Russo-Turkish War of 1806–12. The Treaties of Bucharest (May 16, 1812), of Akerman (October 7, 1826), of Adrianople (September 14, 1829), all between Russia and Turkey, secured to Serbia —somewhat vaguely—her privileges as a subject and tributary nation. These privileges, however, were defined by the Imperial decrees referred to in Article XXVIII of the Treaty of Paris, and gave Serbia a considerable degree of autonomy under the national Prince Milosh Obrenovitch.

Article XXXIII is a very important one, prohibiting the fortifying of the Äland Islands by Russia, a provision strengthened by a separate Convention between Great Britain, France, and Russia of the same date. The Äland Islands lie at the entrance of the Gulf of Bothnia, and command the great Swedish port and capital city of Stockholm. They had been ceded with Finland to Russia at the Treaty of Friedrichshamm (September 5, 1809). The Swedes were naturally desirous that the islands which so menaced their trade and national defence should not

be fortified, and the British Government was generally sympathetic with them. But it was not till the Crimean War, when an Anglo-French fleet entered the Baltic, that the Powers showed their determination to satisfy the wishes of the Swedes. Article XXXIII of the Treaty of Paris and the Åland Convention were the result. The Russian Government has always felt this restriction upon their right to fortify their own possessions as somewhat galling and humiliating, but the Convention has never been abrogated.

Finally, it should be noticed that the Powers assembled in Congress at Paris, while making the general settlement required by the Crimean War, took the opportunity to make a Declaration respecting Maritime Law in time of war. This momentous Declaration, which has never been denounced, is a masterpiece of brevity and clearness, and its effect on International Law cannot be over-estimated.

The Declaration of Paris respecting Maritime Law was acceded to by most of the Maritime Powers.[1]

It was not formally acceded to by the United States, because that Government wished to add to it a stipulation for the non-liability of *private property* to capture at sea. As this did not form a part of the Declaration as signed, the conditional acceptance of the Declaration could not be regarded as an absolute *accession* to that agreement.

On the outbreak of war between the United States and Spain in 1898, however, the President of the United States issued a Proclamation,[2] in which he stated that it had already been announced that the policy of his Government would be not to resort to privateering, but to adhere to the rules of the Declaration of Paris; and the Proclamation went on to declare that:

1. The neutral flag covers enemies' goods, with the exception of contraband of war. 2. Neutral goods not

[1] List on p. 1284 of Hertslet's *Map of Europe*, vol. ii.
[2] April 26, 1898; see *State Papers*, vol. xc, p. 380.

contraband of war are not liable to confiscation under the enemy's flag. 3. Blockades in order to be binding must be effective. Then follow other rules not comprised in the Declaration.

In effect, therefore, the United States have acted on the principles of the Declaration, though not formally acceding to it.

General Treaty of Peace between Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey. Signed at Paris, 30th March, 1856.[1]

Article I. From the day of the exchange of the Ratifications of the present Treaty there shall be Peace and Friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of the French, His Majesty the King of Sardinia, His Imperial Majesty the Sultan, on the one part, and His Majesty the Emperor of All the Russias, on the other part; as well as between their heirs and successors, their respective dominions and subjects, in perpetuity.

Article II. Peace being happily re-established between their said Majesties, the Territories conquered or occupied by their armies during the War shall be reciprocally evacuated.

Special arrangements shall regulate the mode of the Evacuation, which shall be as prompt as possible.

Article III. His Majesty the Emperor of All the Russias engages to restore to His Majesty the Sultan the Town and Citadel of Kars, as well as the other parts of the Ottoman Territory of which the Russian troops are in possession.

Article IV. Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, the King of Sardinia, and the Sultan, engage to restore to His Majesty the Emperor of All the Russias, the Towns and Ports of Sebastopol, Balaklava, Kamiesch, Eupatoria, Kertch, Jenikale, Kinburn, as well as all other Territories occupied by the Allied Troops.

Article V. Their Majesties the Queen of the United

[1] *State Papers*, vol. xlvi, p. 18; Hertslet, vol. ii, No. 264.

Kingdom of Great Britain and Ireland, the Emperor of the French, the Emperor of All the Russias, the King of Sardinia, and the Sultan, grant a full and entire Amnesty to those of their subjects who may have been compromised by any participation whatsoever in the events of the War in favour of the cause of the enemy.

It is expressly understood that such Amnesty shall extend to the subjects of each of the Belligerent Parties who may have continued, during the War, to be employed in the service of one of the other Belligerents.

ARTICLE VI. Prisoners of War shall be immediately given up on either side.

ARTICLE VII. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Austria, His Majesty the Emperor of the French, His Majesty the King of Prussia, His Majesty the Emperor of All the Russias, and His Majesty the King of Sardinia, declare the Sublime Porte admitted to participate in the advantages of the Public Law and System (*Concert*) of Europe. Their Majesties engage, each on his part, to respect the Independence and the Territorial Integrity of the Ottoman Empire; Guarantee in common the strict observance of that engagement; and will, in consequence, consider any act tending to its violation as a question of general interest.

ARTICLE VIII. If there should arise between the Sublime Porte and one or more of the other Signing Powers, any misunderstanding which might endanger the maintenance of their relations, the Sublime Porte, and each of such Powers, before having recourse to the use of force, shall afford the other Contracting Parties the opportunity of preventing such an extremity by means of their Mediation.

ARTICLE IX. His Imperial Majesty the Sultan having, in his constant solicitude for the welfare of his subjects, issued a Firman, which, while ameliorating their condition without distinction of Religion or of Race, records his generous intentions towards the Christian population of his Empire, and wishing to give a further proof of his sentiments in that respect, has resolved to communicate to the Contracting Parties the said Firman, emanating spontaneously from his Sovereign will.

The Contracting Powers recognise the high value of this

communication. It is clearly understood that it cannot, in any case, give to the said Powers the right to interfere, either collectively or separately, in the relations of His Majesty the Sultan with his subjects, nor in the Internal Administration of his Empire.

ARTICLE X. The Convention of 13th of July, 1841, which maintains the ancient rule of the Ottoman Empire relative to the Closing of the Straits of the Bosphorus and of Dardanelles, has been revised by common consent.

The Act concluded for that purpose, and in conformity with that principle, between the High Contracting Parties, is and remains annexed to the present Treaty, and shall have the same force and validity as if it formed an integral part thereof.

ARTICLE XI. The Black Sea is Neutralised; its Waters and its Ports, thrown open to the Mercantile Marine of every Nation, are formally and in perpetuity interdicted to the Flag of War, either of the Powers possessing its Coasts, or of any other Power, with the exceptions mentioned in Articles XIV and XIX of the present Treaty.

ARTICLE XII. Free from any impediment, the Commerce in the Ports and Waters of the Black Sea shall be subject only to Regulations of Health, Customs, and Police, framed in a spirit favourable to the development of Commercial transactions.

In order to afford to the Commercial and Maritime interests of every Nation the security which is desired, Russia and the Sublime Porte will admit Consuls into their Ports situated upon the Coast of the Black Sea, in conformity with the principles of International Law.

ARTICLE XIII. The Black Sea being Neutralised according to the terms of Article XI, the maintenance or establishment upon its Coast of Military-Maritime Arsenals becomes alike unnecessary and purposeless; in consequence, His Majesty the Emperor of All the Russias, and His Imperial Majesty the Sultan, engage not to establish or to maintain upon that Coast any Military-Maritime Arsenal.

ARTICLE XIV. Their Majesties the Emperor of All the Russias and the Sultan having concluded a Convention for the purpose of settling the Force and the Number of Light Vessels, necessary for the service of their Coasts, which they reserve to themselves to maintain in the Black

Sea, that Convention is annexed to the present Treaty, and shall have the same force and validity as if it formed an integral part thereof. It cannot be either annulled or modified without the assent of the Powers signing the present Treaty.

ARTICLE XV. The Act of the Congress of Vienna, having established the principles intended to regulate the Navigation of Rivers which separate or traverse different States, the Contracting Powers stipulate among themselves that those principles shall in future be equally applied to the Danube and its Mouths. They declare that its arrangement henceforth forms a part of the Public Law of Europe, and take it under their Guarantee.

The Navigation of the Danube cannot be subjected to any impediment or charge not expressly provided for by the Stipulations contained in the following Articles: in consequence, there shall not be levied any Toll founded solely upon the fact of the Navigation of the River, nor any Duty upon the Goods which may be on board of Vessels. The Regulations of Police and of Quarantine to be established for the safety of the States separated or traversed by that River, shall be so framed as to facilitate, as much as possible, the passage of Vessels. With the exception of such Regulations, no obstacle whatever shall be opposed to Free Navigation.

ARTICLE XVI. With a view to carry out the arrangements of the preceding Article, a Commission, in which Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey, shall each be represented by one delegate, shall be charged to designate and to cause to be executed the Works necessary below Isatcha, to clear the Mouths of the Danube, as well as the neighbouring parts of the Sea, from the sands and other impediments which obstruct them, in order to put that part of the River and the said parts of the Sea in the best possible state for Navigation.

In order to cover the Expenses of such Works, as well as of the establishments intended to secure and to facilitate the Navigation at the Mouths of the Danube, fixed Duties, of a suitable rate, settled by the Commission by a majority of votes, may be levied, on the express condition that, in this respect as in every other, the Flags of all Nations shall be treated on the footing of perfect equality.

ARTICLE XVII. A Commission shall be established, and

shall be composed of delegates of Austria, Bavaria, the Sublime Porte, and Wurtemberg (one for each of those Powers), to whom shall be added Commissioners from the Three Danubian Principalities, whose nomination shall have been approved by the Porte. This Commission, which shall be permanent: 1. Shall prepare Regulations of Navigation and River Police; 2. Shall remove the impediments, of whatever nature they may be, which still prevent the application to the Danube of the Arrangements of the Treaty of Vienna; 3. Shall order and cause to be executed the necessary Works throughout the whole course of the River; and 4. Shall, after the dissolution of the European Commission, see to maintaining the Mouths of the Danube and the neighbouring parts of the Sea in a navigable state.

Article XVIII. It is understood that the European Commission shall have completed its task, and that the River Commission shall have finished the Works described in the preceding Article, under Nos. 1 and 2, within the period of two years. The signing Powers assembled in Conference having been informed of that fact, shall, after having placed it on record, pronounce the Dissolution of the European Commission, and from that time the permanent River Commission shall enjoy the same powers as those with which the European Commission shall have until then been invested.

Article XIX. In order to insure the execution of the Regulations which shall have been established by common agreement, in conformity with the principles above declared, each of the Contracting Powers shall have the right to station, at all times, Two Light Vessels at the Mouths of the Danube.

Article XX. In exchange for the Towns, Ports, and Territories enumerated in Article IV of the present Treaty, and in order more fully to secure the Freedom of the Navigation of the Danube, His Majesty the Emperor of All the Russias consents to the rectification of his Frontier in Bessarabia.

The new Frontier shall begin from the Black Sea, one kilometre to the east of the Lake Bourna Sola, shall run perpendicularly to the Akerman Road, shall follow that road to the Val de Trajan, pass to the south of Bolgrad, ascend the course of the River Yalpuck to the Height of

Saratsika, and terminate at Katamori on the Pruth. Above that point the old Frontier between the Two Empires shall not undergo any modification.

Delegates of the Contracting Powers shall fix, in its details, the Line of the new Frontier.

ARTICLE XXI. The Territory ceded by Russia shall be Annexed to the Principality of Moldavia, under the Suzerainty of the Sublime Porte.

The Inhabitants of that Territory shall enjoy the Rights and Privileges secured to the Principalities; and during the space of 3 years, they shall be permitted to transfer their domicile elsewhere, disposing freely of their Property.

ARTICLE XXII. The Principalities of Wallachia and Moldavia shall continue to enjoy under the Suzerainty of the Porte, and under the Guarantee of the Contracting Powers, the Privileges and Immunities of which they are in possession. No exclusive Protection shall be exercised over them by any of the guaranteeing Powers.

There shall be no separate right of interference in their Internal Affairs.

ARTICLE XXIII. The Sublime Porte engages to preserve to the said Principalities an Independent and National Administration, as well as full liberty of Worship, of Legislation, of Commerce, and of Navigation.

The Laws and Statutes at present in force shall be revised. In order to establish a complete agreement in regard to such revision, a Special Commission, as to the composition of which the High Contracting Powers will come to an understanding among themselves, shall assemble, without delay, at Bucharest, together with a Commissioner of the Sublime Porte.

The business of this Commission shall be to investigate the present state of the Principalities, and to propose bases for their future organization.

ARTICLE XXIV. His Majesty the Sultan promises to convoke immediately in each of the two Provinces a Divan *ad hoc*, composed in such a manner as to represent most closely the interests of all classes of society. These Divans shall be called upon to express the wishes of the people in regard to the definitive organization of the Principalities.

An Instruction from the Congress shall regulate the relations between the Commission and these Divans.

ARTICLE XXV. Taking into consideration the opinion expressed by the two Divans, the Commission shall transmit, without delay, to the present seat of the Conferences, the result of its own labours.

The Final Agreement with the Suzerain Power shall be recorded in a Convention to be concluded at Paris between the High Contracting Parties; and a Hatti-sheriff, in conformity with the stipulations of the Convention, shall constitute definitively the organization of those Provinces, placed thenceforward under the Collective Guarantee of all the signing Powers.

ARTICLE XXVI. It is agreed that there shall be in the Principalities a National Armed Force, organized with the view to maintain the security of the interior, and to ensure that of the Frontiers. No impediment shall be opposed to the extraordinary measures of defence which, by agreement with the Sublime Porte, they may be called upon to take in order to repel any external aggression.

ARTICLE XXVII. If the Internal Tranquillity of the Principalities should be menaced or compromised, the Sublime Porte shall come to an understanding with the other Contracting Powers in regard to the measures to be taken for maintaining or re-establishing legal order.

No armed Intervention can take place without previous agreement between those Powers.

ARTICLE XXVIII. The Principality of Servia shall continue to hold of the Sublime Porte, in conformity with the Imperial Hats which fix and determine its Rights and Immunities, placed henceforward under the Collective Guarantee of the Contracting Powers.

In consequence, the said Principality shall preserve its Independent and National Administration, as well as full Liberty of Worship, of Legislation, of Commerce, and of Navigation.

ARTICLE XXIX. The right of garrison of the Sublime Porte, as stipulated by anterior regulations, is maintained. No armed Intervention can take place in Servia without previous agreement between the High Contracting Powers.

ARTICLE XXX. His Majesty the Emperor of All the Russias and His Majesty the Sultan maintain in its Integrity the state of their possessions in Asia such as it legally existed before the rupture.

In order to prevent all local dispute the Line of Frontier

shall be verified, and, if necessary, rectified, without any prejudice as regards Territory being sustained by either Party.

For this purpose a Mixed Commission, composed of two Russian Commissioners, two Ottoman Commissioners, one English Commissioner, and one French Commissioner, shall be sent to the spot immediately after the re-establishment of diplomatic relations between the Court of Russia and the Sublime Porte. Its labours shall be completed within the period of 8 months after the exchange of the Ratifications of the present Treaty.

ARTICLE XXXI. The Territories occupied during the War by the troops of their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, the Emperor of the French, and the King of Sardinia, according to the terms of the Conventions signed at Constantinople on the 12th of March, 1854, between Great Britain, France, and the Sublime Porte; on the 14th of June of the same year, between Austria and the Sublime Porte; and on the 15th of March, 1855, between Sardinia and the Sublime Porte; shall be evacuated as soon as possible after the exchange of the Ratifications of the present Treaty. The periods and the means of execution shall form the object of an arrangement between the Sublime Porte and the Powers whose troops have occupied its Territory.

ARTICLE XXXII. Until the Treaties or Conventions which existed before the War between the Belligerent Powers have been either renewed or replaced by new Acts, Commerce of importation or of exportation shall take place reciprocally on the footing of the regulations in force before the War; and in all other matters their subjects shall be respectively treated upon the footing of the Most Favoured Nation.

ARTICLE XXXIII. The Convention concluded this day between their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, on the one part, and His Majesty the Emperor of All the Russias on the other part, respecting the Äland Islands, is and remains annexed to the present Treaty, and shall have the same force and validity as if it formed a part thereof.

ARTICLE XXXIV. The present Treaty shall be ratified,

and the Ratifications shall be exchanged at Paris in the space of 4 weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the Seal of their Arms.

Done at Paris, the 30th day of the month of March, in the year 1856.

(L.S.) CLARENDON.
(L.S.) COWLEY.
(L.S.) BUOL-SCHAUENSTEIN.
(L.S.) HUBNER.
(L.S.) A. WALEWSKI.
(L.S.) BOURQUENEY.
(L.S.) MANTEUFFEL.
(L.S.) C. M. D'HATZFELDT.
(L.S.) ORLOFF.
(L.S.) BRUNNOW.
(L.S.) C. CAVOUR.
(L.S.) DE VILLAMARINA.
(L.S.) AALI.
(L.S.) MEHEMMED DJEMIL.

CONVENTION BETWEEN GREAT BRITAIN, AUSTRIA, FRANCE, PRUSSIA, RUSSIA, AND SARDINIA, ON THE ONE PART, AND THE SULTAN, ON THE OTHER PART, RESPECTING THE STRAITS OF THE DARDANELLES AND OF THE BOSPHORUS. SIGNED AT PARIS, 30TH MARCH, 1856.[1]

ARTICLE I. His Majesty the Sultan, on the one part, declares that he is firmly resolved to maintain for the future the principle invariably established as the ancient rule of his Empire, and in virtue of which it has, at all times, been prohibited for the Ships of War of Foreign Powers to enter the Straits of the Dardanelles and of the Bosphorus; and that, so long as the Porte is at Peace, His Majesty will admit no Foreign Ship of War into the said Straits.

And Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, the Emperor of the French, the King of Prussia, the Emperor of All the Russias, and the King of Sardinia, on the other part, engage to respect this determination of the Sultan, and to conform themselves to the principle above declared.

[1] *State Papers*, vol. xlvi, p. 18 ; Hertslet, vol. ii, p. 265.

ARTICLE II. The Sultan reserves to himself, as in past times, to deliver Firmans of Passage for Light Vessels under Flag of War, which shall be employed, as is usual in the service of the Missions of Foreign Powers.

ARTICLE III. The same exception applies to the Light Vessels under Flag of War, which each of the Contracting Powers is authorised to station at the Mouths of the Danube in order to secure the execution of the Regulations relative to the liberty of that River, and the number of which is not to exceed two for each Power.

DECLARATION SIGNED BY THE PLENIPOTENTIARIES OF GREAT BRITAIN, AUSTRIA, FRANCE, PRUSSIA, RUSSIA, SARDINIA, AND TURKEY, RESPECTING MARITIME LAW. PARIS, 16TH APRIL, 1856.[1]

Privateering.

1. Privateering is, and remains abolished ;

Neutral Flag.

2. The Neutral Flag covers Enemy's Goods, with the exception of Contraband of War ;

Neutral Goods.

3. Neutral Goods, with the exception of Contraband of War, are not liable to capture under Enemy's Flag ;

Blockades.

4. Blockades, in order to be binding, must be effective, that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.

[1] *State Papers*, vol. xlvi, p. 26 ; Hertslet, vol. ii, No. 271.

CHAPTER VI

THE DANISH DUCHIES

Duchy of Holstein — Duchy of Schleswig — Lauenburg — Rescript of 1846 — Hostilities in the Duchies — Treaty of 1850 — Treaty of London, 1852 — The Ordinance of 1853 — The Constitution of November 1863 — Lord Palmerston — The Danish and German Cases — The Powers of Europe — Treaty of Peace, 1864 — Convention of Gastein — Dispatch of Earl Russell.

Texts : The Treaty of London (1852) — The Treaty of Vienna (1864).

THE question of the Succession to the Danish Crown, and that relating to the affairs of the Danish Duchies, to which the above-cited treaties respectively have reference, are to so great an extent related to one another that it will be more convenient and less conducive to repetition to deal with both treaties together rather than to separate them into two distinct subjects in their chronological order.

The Duchy of Holstein, though owing allegiance to Denmark, became included in the Germanic Confederation by virtue of Article LIII of the Vienna Congress Treaty of 1815, which declared that ' the Sovereign Princes and Free Towns of Germany, under which denomination for the present purpose are comprehended their Majesties the Emperor of Austria, the Kings of Prussia, of Denmark and of The Netherlands, that is to say . . . The King of Denmark for the Duchy of Holstein . . ., establish among themselves a perpetual Confederation which shall be called the Germanic Confederation '.

The Duchy of Schleswig, long under the sway of the Kings of Denmark, was claimed by Denmark in virtue of guarantees given by Great Britain and France in 1720 and of the treaties concluded with Russia in 1767 and 1773.[1]

[1] See Rescript of the King of Denmark, July 8, 1846 ; *State Papers*, vol. xl, p. 1261.

The relationship of Schleswig to Denmark differed therefore from that of Holstein.

Thus in the eighteenth century Schleswig was a possession of the Danish Crown but not incorporated with the Danish territories. She was bound to Holstein by various interests, and German was the official language. She possessed a separate Diet conferred upon her by Frederick VI, who, however, bound the two Duchies together by placing them under a Ministry and a Supreme Court common to both. This intimate connexion in the course of time caused Schleswig to become more and more German, and in the nineteenth century a large portion of the population spoke German. The Danes at length took steps to preserve the nationality of the Duchy by encouraging the use of the Danish language and by other means. This procedure became a grievance to the German population of the Duchies, and by degrees a Schleswig-Holstein party grew up, and the demand was formulated that they should be made independent of Denmark and be constituted one State within the Germanic Confederation. The Duke of Augustenburg, the leader of this party, a descendant of King Christian III, hoped to acquire the Duchies for himself and his House in the event of the Danish royal line becoming extinct—an event which seemed probable—and he accordingly sought support in Germany, and succeeded in setting on foot an enthusiastic national movement there in favour of the demands of the Duchies. The Scandinavian countries, on the other hand, were in favour of the views of the national party in Denmark.

The Duchy of Lauenburg was ceded by Prussia to Denmark 'in full sovereignty' by the Treaty of June 4, 1815.[1] Like Holstein, however, she formed one of the States of the Germanic Confederation, and the King of Denmark ratified the final Act of the Confederation in 1820 in the conjoint character of Duke of Holstein and

[1] *State Papers*, vol. ii, p. 182.

Duke of Lauenburg.[1] Lauenburg, however, was not deeply involved in the questions affecting Schleswig-Holstein.

In 1831 the King of Denmark (whose authority in Schleswig and Holstein had up to that time been absolute) issued an ordinance for the erection of Provincial States in Schleswig and Holstein resembling those which had been established by most of the German sovereigns in accordance with the Federal Act of 1815, the powers of these States being consultative only.[2] Similar States were at the same time decreed for the Kingdom of Denmark proper.[3] This arrangement seems to have worked smoothly for some years, until the grievances already alluded to assumed shape in the Duchies, when the King, after long hesitation between the views of the Danish national party and those of the Duchies, appointed a commission to inquire into the relations of the Duchies towards the sovereign State. As a result His Majesty issued a Royal Rescript on July 8, 1846[4] respecting the order of succession to the several territories composing the Danish monarchy, with regard to which, it was therein stated, 'confused and incorrect notions' appeared to prevail. The question, it went on to say, had been investigated by a special commission, the result of whose labours had been to establish the fact that the order of succession was indisputable in the case of Lauenburg and Schleswig, but that with respect to Holstein there were circumstances which stood in the way of expressing the same certainty as to the inheritance-right of all the royal successors to the Danish Crown. 'Meantime', proceeded the Rescript,

> 'while we would most graciously assure all our true subjects, and especially the inhabitants of Holstein, that our exertions have been and shall be unremittingly directed to remove the hindrances in question and to

[1] See Sir Travers Twiss' work on the Duchies (1848), p. 2.
[2] *State Papers*, vol. xviii, p. 1292. [3] Ibid., p. 1290.
[4] Ibid., vol. xl, p. 1261.

effectuate a complete acknowledgement of the integrity of the whole Danish State so as that the territories at present collected under our sceptre shall at no time be separated but shall constantly remain together under their present relations, and in the enjoyment of all the special privileges belonging to each individually, so would we at the same time in an especial manner hereby assure our true subjects of the Duchy of Schleswig that by this letter it is by no means intended to infringe in any way on the Independence of that Duchy such as it has hitherto been by us acknowledged, nor to make any change in the other relations which do now connect the same with the Duchy of Holstein ; but, on the contrary, we would rather hereby renew our promise, henceforward as heretofore, to protect our Duchy of Schleswig in the rights belonging to the same as a territory in itself independent but yet inseparably connected with our Monarchy.'

This Royal Rescript, far from having the reassuring effect which seems to have been contemplated, appears, on the contrary, to have given rise in the Duchies to distrust and alarm. By way of protesting against it, and of emphasizing their views on the subject of their independence, the Duchies withdrew themselves from the Provincial States, and petitioned the King of Denmark on the subject. The King refused to receive the petitions, and Holstein accordingly sent deputies to the Germanic Diet to lay the case before them. The Diet thereupon expressed their non-acquiescence in the refusal of the King to receive the petitions, but pronounced no opinion on the general question at issue, namely the supposed innovations created by the Danish Rescript, and the divergence of views therein expressed.

Popular demonstrations in the Duchies followed, fomented by the Augustenburg faction in Germany. On the death of the King of Denmark in January 1848 they declared their independence and hostilities ensued. On an appeal from Holstein, Prussian troops (as part of the Federal Army) were sent into that Duchy to resist the Danes.

About this time, and subsequently, Austria and Prussia were working against each other for predominance in Germany. The Tsar of Russia urgently demanded the conclusion of the Schleswig-Holstein complication, which he considered to be due to nothing but the intrigues of malevolent revolutionaries in Copenhagen and the Duchies. He declared that in the event of the German question resulting in war between Austria and Prussia, his neutrality would be conditional upon the restoration of Danish supremacy over the rebels in Schleswig-Holstein.

The reactionary party meanwhile gained the upper hand in Germany; Frederick William IV of Prussia so far surrendered on the Duchies question as to declare that he could not conscientiously support national against monarchical rights; Preliminaries of Peace were signed between Denmark and Prussia on July 10, 1849 (Great Britain acting as mediator), and it was agreed that on the conclusion of a definitive peace the Great Powers of Europe should be approached with a view to regulating the Danish Order of Succession.[1]

Finally, on July 2, 1850, a definitive Treaty of Peace was signed at Berlin between the King of Prussia in his own name and in that of the Germanic Confederation, and Denmark. By this treaty all rights which existed before the war, on either side, were reserved; boundaries arranged for; and the right conceded to Denmark to claim the intervention of the Germanic Confederation for the re-establishment of legitimate authority in Holstein. But the questions which led to the war were not thereby set at rest, and hostilities between Denmark and the Duchies were resumed. Denmark eventually claimed the intervention of the Confederation under the Treaty of 1850. Austrian and Prussian commissioners then entered Holstein and negotiations ensued, which culminated in January 1852 in an arrangement roughly to the following effect:—

[1] *State Papers*, vol. xxxvii, p. 132.

1. Schleswig should not be incorporated with Denmark. 2. Non-political ties between Schleswig and Holstein should be maintained. 3. One part of the Danish Monarchy should not be subordinate to the other. 4. The Duchies should have their own Ministers of the Interior and voting power in certain internal matters. 5. The Duchies should have an administrative and constitutional separation. 6. A Treaty should be concluded for settling the question of the Succession to the Danish Monarchy. These negotiations were conducted in conjunction with Great Britain as Mediating Power.

Before the definitive Treaty of Peace was concluded, Great Britain, on the strength of the Preliminaries of 1849, took up the question of the succession to the throne of Denmark.[1] In February 1850 Lord Palmerston urged on the Danish Government the importance of settling, without delay, this question which, he stated, was the key to the whole of the questions pending between Denmark and Germany. The choice of some Prince to succeed to the Danish Crown who would equally succeed to Holstein and to Schleswig, would remove the chief difficulty and avoid the separation of the Duchies from Denmark on the failure of the direct line.

After prolonged negotiations through the medium of a voluminous correspondence, in the course of which the King of Denmark designated the House of Glücksburg (Prince Christian of Schleswig-Holstein-Sonderburg-Glücksburg and the issue of His Highness's marriage with the Princess Louisa, born a Princess of Hesse) as successors to the Danish Crown, and by means of Conferences held at London and elsewhere, the representatives of the Powers finally met at London and signed the Treaty of May 8, 1852, the object of which, according to the preamble, was 'the maintenance of the integrity of the Danish Monarchy, as connected with the general interests of the balance of

[1] Correspondence, *State Papers*, vol. xlii, p. 831.

power in Europe'. This treaty recognized Prince Christian as the eventual successor to the whole of the dominions then united under the sceptre of the King of Denmark. The question of submitting the treaty to the Diet of the Germanic Confederation was decided in the negative. The claims of the Agnates of the royal families to eventual succession to the Duchies were settled either by spontaneous renunciations of their rights, or by compensation, or in the case of remote contingencies by simply ignoring them.

On July 31, 1853, a Royal Ordinance was promulgated by the King of Denmark settling the succession to the Crown of that country on Prince Christian of Glücksburg and his male heirs, in virtue of the Treaty of May 8, 1852, concluded between Austria, France, Great Britain, Prussia, Russia, Sweden and Norway, and Denmark, and acceded to by most of the European Powers.[1]

The work of framing Constitutions for the Duchies was then entered upon, and this gave rise to much controversy and many grievances, and complaints that Denmark was neglecting to fulfil the promises made at the time of the conclusion of the Succession Treaty. This went on until in February 1858 the Diet of the Germanic Confederation demanded the fulfilment of those promises affecting the equality and independence of the Duchies, but nothing satisfactory resulted. In 1863 the King of Denmark decreed independent rights to Holstein, and elaborated a Constitution for Denmark and Schleswig which was held virtually to incorporate Schleswig with the Danish Monarchy, but he died before its promulgation, in November 1863. He was succeeded by King Christian IX, who had been designated by the Treaty of London of May 8, 1852, and by the consequent Royal Ordinance of July 31, 1853, as the successor to the throne of Denmark, and to the sovereignty of the Duchies. His first act was to sign the November Constitution of the Danish party.

[1] *State Papers*, vol. xlii, p. 1184.

The Duke of Augustenburg then claimed the sovereignty of the Duchies, and was supported by Austria and Prussia and the Germanic Confederation, in spite of the treaty to which the two first-named Powers had affixed their signatures in 1852. They excused their disregard of the treaty stipulation on the grounds that the treaty had not been submitted to the German Diet and that Denmark had broken her promises of 1851–2; and they refused to recognize the right of Christian IX to succeed to the sovereignty of the Duchies except on the condition that the November Constitution was annulled. England strongly advised Denmark to withdraw the Constitution, and Denmark showed herself ready to follow this advice, but before the proposal could be carried out Austrian and Prussian troops invaded the Duchies and war ensued. Lord Palmerston, the English Prime Minister, described the entrance of troops into Schleswig as an 'iniquitous aggression'. If the German Powers had waited a couple of months, he explained, so as to enable Denmark to withdraw the Constitution, as, on the advice of England, she was prepared to do, no war need have been made. The war was unnecessary, and therefore 'iniquitous'. This was in reply to observations made by the Austrian Government. In connexion with a remark made by the same Government on the principle that war abrogates treaties, Lord Palmerston observed that 'to make an aggressive war for the very purpose of abrogating them would be a great and evident abuse of an admitted principle'.[1]

It would be impossible within the limits of the present work to discuss at length the rights and wrongs of the Duchies question from the points of view of the various Powers interested. The Danish Government maintained that Schleswig was altogether removed from any interference on the part of the Germanic Confederation, and that as

[1] Lord Russell to Lord Bloomfield, February 24, 1864. Blue Book, 'Denmark and Germany', No. 5, 1864.

regards Holstein, Denmark had already conferred a great measure of independence upon her. The German Governments held that, inasmuch as Holstein was a member of the Germanic Confederation, the latter had the right of interference in respect of that Duchy. They appear also to have advanced an indirect claim in respect of Schleswig by reason of the long existing administrative connexion between the two Duchies. Moreover, as regards the period from 1851 onwards, there were the undertakings entered into by Denmark with the Austro-Prussian Commissioners in 1851–2, amongst them being the stipulation that Schleswig should not be incorporated with Denmark, that non-political ties between the two Duchies should be maintained, that one part of the Danish Monarchy should not be subordinate to another, &c. The German States maintained that Denmark had not fulfilled these undertakings : on the contrary, that Schleswig was virtually incorporated with Denmark by the common Constitution of November 1863, that the compulsory use of the Danish language in schools and churches in the Germanized portions of Schleswig was a contravention of the promised equality, and so forth. There was something to be said, and much was said, in support of these opposing contentions. No doubt there was truth in the remark of the Tsar of Russia to the effect that the Schleswig-Holstein complication was mainly due to the intrigues of malevolent revolutionaries both in Denmark and in the Duchies. As a consequence of the efforts of the Augustenburg faction, the populations of Germany became permeated with the idea that the cause of the 'downtrodden' inhabitants of the Duchies must be espoused by them in opposition to the 'tyranny' of Denmark. So much so that on the revival of the Augustenburg claims at the death of Frederick VII of Denmark in 1863, more than one of the German monarchs declared that the outcry for war amongst their subjects was so strong that they dared not resist it, having due regard for

the safety of their thrones. Denmark sought alliances in her resistance to the Germans, but none were forthcoming.[1] Russia was unwilling to commit herself to take up arms in support of Denmark. She was herself only just emerging from her difficulties arising out of the insurrection in Poland. France and Great Britain urged mediation and furnished remonstrances, but were disinclined for more drastic measures. Great Britain besides was also somewhat preoccupied with the Civil War in the United States. Sweden could not throw in her lot with Denmark single-handed, although she had previously been prepared to sign a treaty of defensive alliance with her. This combination of circumstances cleared the way for the fulfilment of German designs and the advance of the policy of Bismarck, and accordingly hostilities were begun.

Conferences for re-establishing peace were held in London from April to June 1864, but they broke down over the question of the boundary between Denmark and Schleswig, and no agreement was arrived at. Denmark was defeated by her enemies in the field, and a Treaty of Peace was signed at Vienna between Austria, Prussia, and Denmark on October 30, 1864,[2] whereby Denmark renounced all her rights over the Duchies of Schleswig, Holstein, and Lauenburg in favour of the King of Prussia and the Emperor of Austria, engaging to recognize the dispositions which their said Majesties should make with reference to those Duchies. A small portion only of Northern Schleswig was to be incorporated into the Kingdom of Denmark.

Soon after the conclusion of the Treaty of 1864 Bismarck submitted to the Austrian Government the terms on which the Duchies might be conferred upon the Duke of Augustenburg according to the proposal put forward in 1863. He

[1] For a discussion of Great Britain's responsibility see Egerton, *British Foreign Policy in Europe* (1917), pp. 276 ff.

[2] *State Papers*, vol. liv, p. 522.

required that the Prussian law for military service should be established in the Duchies; that the army should take the oath of allegiance to the Prussian King; and that Prussian troops should occupy the principal garrisons, besides other arrangements tending to establish Prussian supremacy in those territories. These terms were rejected not only by Austria but also by the Duke of Augustenburg and by the populations of the Duchies themselves, who, with the support of the Federal Diet at Frankfort, now placed themselves in opposition to the manifest designs of Prussia. Thus the relations between Prussia and Austria, as well as between Prussia and the majority in the Federal Diet, became strained in the course of the year 1865, a condition of affairs which was not improved by the high-handed proceedings of the Prussian Commissioner in Schleswig-Holstein, who expelled certain adherents of the Augustenburg faction, and whose action in so doing was stigmatized by his Austrian colleague as one of lawless violence. War was, however, averted for the time being by means of a Convention signed at Gastein (a favourite summer resort of the sovereigns of Austria and Prussia) on August 14, 1865,[1] wherein it was agreed that the co-sovereignty of the two Powers in the Duchies conceded by the Treaty of Peace of 1864 should be converted into a geographical arrangement, under which Austria should assume in Holstein all the rights so conceded, and Prussia should assume all those rights in Schleswig. Further, it contained a stipulation that it should be proposed to the Germanic Diet to establish a German fleet, with Kiel as a federal harbour for it; that Kiel should be under the command of Prussia, which should be entitled to erect fortifications there, as well as to construct a North Sea canal; that Austria should cede to Prussia her rights over Lauenburg against a money payment, and other minor stipulations. Herein can be detected the trend of

[1] See Mowat, *Select Treaties*, pp. 71–4.

Prussian policy and aspirations at that time, which were to receive further development in due course.

Upon becoming aware of this Convention, Earl Russell, the English Secretary of State for Foreign Affairs, addressed a circular dispatch[1] to certain of the British ministers abroad expressing regret at the course adopted. The Treaty of the Danish Succession of 1852, his Lordship said, had been completely set aside by Austria and Prussia, two of the Powers who had signed it, notwithstanding their assurances given in 1864.

It might have been expected that when Treaties were thus annulled, the popular feeling of Germany, the wishes of the Duchies themselves, and the opinions of the Diet so explicitly put forth by Austria and Prussia in the sittings of the Conference of London, would have been recognized in their place. In this manner if an order of Rights had been overthrown, another Title drawn from the assent of the people would have been set up, and that Title might have been received with respect and maintained with a prospect of permanence.

But all Rights, old and new, whether founded on the solemn Compact of Sovereigns or on the clear expression of the popular will, have been set at naught by the Convention of Gastein, and the dominion of Force is the sole power acknowledged and regarded.

Violence and conquest are the bases upon which alone the Partitioning Powers found their agreement.

Her Majesty's Government deeply lament the disregard thus shown to the principles of public right, and the legitimate claims of a people to be heard as to the disposal of their own destiny.

This instruction, his Lordship added, does not authorize you to address observations on this subject to the Court to which you are accredited, but is intended only to point out when the opportunity shall present itself what is the language you are expected to hold.

The further development of the Duchies question will be set forth in connexion with the Treaty of Prague of August 23, 1866.[2]

[1] September 14, 1865; Hertslet, vol. iii, p. 1645.

[2] See pp. 241 ff.

TREATY BETWEEN GREAT BRITAIN, AUSTRIA, FRANCE, PRUSSIA, RUSSIA, AND SWEDEN AND NORWAY, ON THE ONE PART, AND DENMARK ON THE OTHER PART, RELATIVE TO THE SUCCESSION TO THE CROWN OF DENMARK. SIGNED AT LONDON, 8TH MAY, 1852.[1]

ARTICLE I. After having taken into serious consideration the interests of his Monarchy, His Majesty the King of Denmark, with the assent of His Royal Highness the Hereditary Prince, and of his nearest cognates, entitled to the Succession by the Royal Law of Denmark, as well as in concert with His Majesty the Emperor of All the Russias, Head of the elder Branch of the House of Holstein-Gottorp, having declared his wish to regulate the order of Succession in his dominions in such manner that, in default of issue male in a direct line from King Frederick III of Denmark, his Crown should devolve upon His Highness the Prince Christian of Schleswig-Holstein-Sonderbourg-Glücksbourg, and upon the issue of the marriage of that Prince with Her Highness the Princess Louisa of Schleswig-Holstein-Sonderbourg-Glücksbourg, born a Princess of Hesse, by order of Primogeniture from Male to Male; the High Contracting Parties, appreciating the wisdom of the views which have determined the eventual adoption of that arrangement, engage by common consent, in case the contemplated contingency should be realized, to acknowledge in His Highness the Prince Christian of Schleswig-Holstein-Sonderbourg-Glücksbourg, and his issue male in the direct line by his marriage with the said Princess, the Right of Succeeding to the whole of the Dominions now united under the sceptre of His Majesty the King of Denmark.

ARTICLE II. The High Contracting Parties, acknowledging as permanent the principle of the Integrity of the Danish Monarchy, engage to take into consideration the further propositions which His Majesty the King of Denmark may deem it expedient to address to them in case (which God forbid) the extinction of the issue male, in the direct line, of His Highness the Prince Christian of Schleswig-Holstein-Sonderbourg-Glücksbourg, by his marriage with Her Highness the Princess Louisa of Schleswig-

[1] Translation as presented to Parliament, *State Papers*, vol. xlii, p. 13; Hertslet, vol. ii, No. 230.

Holstein-Sonderbourg-Glücksbourg, born a Princess of Hesse, should become imminent.

ARTICLE III. It is expressly understood that the reciprocal Rights and Obligations of His Majesty the King of Denmark, and of the Germanic Confederation, concerning the Duchies of Holstein and Lauenburg, Rights and Obligations established by the Federal Act of 1815, and by the existing Federal Right, shall not be affected by the present Treaty.

ARTICLE IV. The High Contracting Parties reserve to themselves to bring the present Treaty to the knowledge of the other Powers, and to invite them to accede to it.

ARTICLE V. The present Treaty shall be ratified, and the Ratifications shall be exchanged at London at the expiration of 6 weeks, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the Seal of their Arms.

Done at London, the 8th day of May, in the year of Our Lord, 1852.

(L.S.) BILLE.
(L.S.) MALMESBURY.
(L.S.) KUBECK.
(L.S.) A. WALEWSKI.
(L.S.) BUNSEN.
(L.S.) BRUNNOW.
(L.S.) REHAUSEN.

TREATY OF PEACE BETWEEN AUSTRIA, PRUSSIA, AND DENMARK. SIGNED AT VIENNA, OCTOBER 30TH, 1864.[1]

ARTICLE I. There shall be in the future peace and friendship between their Majesties the King of Prussia and the Emperor of Austria and his Majesty the King of Denmark as well as between their heirs and successors, their respective states and subjects in perpetuity.

ARTICLE II. All the Treaties and Conventions concluded before the war between the High Contracting Parties are re-established in force in so far as they are not abrogated or modified by the tenor of the present Treaty.

[1] Translation from *State Papers*, vol. liv, p. 522 ; Hertslet, vol. iii, No. 367. The text as given in Hertslet omits Articles VI to XXI.

ARTICLE III. His Majesty the King of Denmark renounces all his rights over the Duchies of Schleswig, Holstein and Lauenburg, in favour of their Majesties the King of Prussia and the Emperor of Austria, pledging himself to recognise the dispositions which their said Majesties shall make with regard to these Duchies.

ARTICLE IV. The cession of the Duchy of Schleswig includes all the islands belonging to that Duchy as well as the territory situated on *terra firma*.

In order to simplify the delimitation and to put an end to the inconveniences resulting from the situation of the Jutland territory inclosed within the territory of Schleswig, His Majesty the King of Denmark cedes to their Majesties the King of Prussia and the Emperor of Austria the Jutland possessions situated to the South of the line of southern frontier of the district of Ribe, such as the Jutland territory of Moegeltondern, the Island of Amrom, the Jutland portions of the Islands of Foehr, Sylt, and Roemoe, &c.

On the other hand their Majesties the King of Prussia and the Emperor of Austria agree that an equivalent portion of Schleswig comprising, besides the Island of Aeroe, territories which shall connect the above-mentioned district of Ribe with the rest of Jutland, and which shall correct the frontier line between Jutland and Schleswig on the side of Kolding, shall be detached from the Duchy of Schleswig and incorporated in the Kingdom of Denmark.

ARTICLE V. The new frontier between the Kingdom of Denmark and the Duchy of Schleswig shall start from the middle of the mouth of the bay of Hejlsminde on the little Belt, and after crossing that bay shall follow the present southern frontier of the parishes of Hejls, Vejstrup, and Taps, this last as far as the water-course to the south of Gejlbjerg and Bränore, thence following that water-course from its entry into the Fovs-Aa, along the southern frontier of the parishes of Odis and Vandrup, and along the Western frontier of this last place as far as Königs-Au (Konge-Aa) to the North of Holte. From this point the 'Thalweg' of the Königs-Au (Konge-Aa) shall form the frontier as far as the eastern boundary of the parish of Hjortlund. Starting from that point the line shall follow the same boundary and its continuation as far as the projecting angle to the north of the village of Obekjär, and afterwards the eastern frontier of that village as far

as the Gjels-Aa. From thence the eastern boundary of the parish of Seem and the southern boundaries of the parishes of Seem, Ribe, and Vester-Vedsted shall form the new frontier, which, in the North Sea, shall pass at an equal distance between the islands of Manoe and Roemoe.

As a result of this new delimitation, all the titles and mixed rights, secular as well as spiritual, which have existed up till now within the enclosures in the islands and in the mixed parishes are mutually declared extinct. Consequently the new sovereign power in each of the territories separated by the new frontier shall enjoy in this respect its full rights.

ARTICLE VI. An International Commission composed of representatives of the High Contracting Parties shall be appointed immediately after the exchange of ratifications of the present Treaty to carry out upon the spot the marking of the new frontier in conformity with the stipulations of the preceding Article. This Commission will also have to divide between the Kingdom of Denmark and the Duchy of Schleswig the expenses of constructing the new high-road from Ribe to Tondern in proportion to the extent of the respective territory through which it passes.

Finally the same Commission shall preside over the division of the landed and funded property which up till now have belonged in common to districts or communes separated by the new frontier.

ARTICLE VII. The dispositions of Articles XX, XXI and XXII of the Treaty concluded between Austria and Russia on the 3rd May 1815,[1] which form an integral part of the General Act of the Congress of Vienna, dispositions relative to mixed proprietors, to the rights which they shall exercise and to the local relations (*rapports de voisinage*) in the properties cut by the frontiers, shall be applied to the proprietors as well as to the properties which in Schleswig and in Jutland happen to fall among the cases provided for in the above-mentioned dispositions of the Acts of the Congress of Vienna.

ARTICLE VIII. In order to achieve an equitable division of the public debt of the Danish Monarchy in proportion to the respective populations of the Kingdom and the Duchies, and to obviate at the same time any insurmount-

[1] See *State Papers*, vol. ii, p. 56.

able difficulties which a detailed liquidation of the reciprocal rights and claims would present, the High Contracting Parties have fixed the share of the public debt of the Danish Monarchy which shall be laid at the charge of the Duchies, at the round sum of 29 million thalers (Danish money).

ARTICLE IX. The part of the public debt of the Danish Monarchy, which, in accordance with the preceding article, shall fall to the charge of the Duchies, shall be paid, under the guarantee of their Majesties the King of Prussia and the Emperor of Austria, as a debt of the three above-mentioned Duchies to the Kingdom of Denmark, in the period of one year or sooner if possible, dating from the definitive organization of the Duchies.

For the payment of this debt the Duchies may make use, in whole or in part, of any of the following methods:

1. Payment in ready money (75 Prussian thalers = 100 thalers in Danish money);
2. Remittance to the Danish Treasury of non-redeemable (*non-remboursables*) bonds bearing interest at 4 per cent. and belonging to the interior debt of the Danish Monarchy;
3. Remittance to the Danish Treasury of new State obligations to be issued by the Duchies, the value of which shall be stated in Prussian thalers (at the rate of 30 the pound) or in bank marks of Hamburg, and which shall be paid off by means of a half-yearly annuity of 3 per cent. of the original principal of the debt, of which 2 per cent. shall represent the interest of the debt due at each term, while the remainder shall be paid by way of sinking fund (*amortissement*).

The above-mentioned payment of the half-yearly annuity of 3 per cent. shall be made not only by the public treasuries of the Duchies but also by the banking-houses of Berlin and Hamburg.

The obligations mentioned under 2 and 3 shall be received by the Danish Treasury at their face value.

ARTICLE X. Up till the period when the Duchies shall be definitively charged with the sum which they shall have to pay in accordance with Article VIII of the present Treaty, instead of their quota of the public debt of the

Danish Monarchy, they shall pay half-yearly 2 per cent. of the said sum, that is 580,000 thalers (Danish money). This payment shall be carried out in such a way that the interest and the charges of the Danish debt which have been met up till now by the public treasuries of the Duchies shall be also henceforward paid by these same treasuries. These payments shall be made each half-year, and in the case where they would not amount to the above-mentioned sum, the Duchies shall have to pay the remainder to the Danish Treasury in ready money; in the contrary case the surplus shall be paid back to them also in ready money.

The liquidation shall be carried out between Denmark and the authorities charged with the superior administration of the Duchies after the method stipulated in the present Article or every quarter in so far as on the one side and on the other it shall be judged necessary. The first payment shall have specially for its object all the interest and charges of the public debt of the Danish Monarchy paid after the 23rd December, 1863.

ARTICLE XI. The sums representing the equivalent of the so-called 'Holstein-Ploen', the remainder of the indemnity for the former possessions of the Duke of Augustenburg, including the prior debt with which they are encumbered and the 'domain' obligations of Schleswig and Holstein, shall be laid exclusively to the charge of the Duchies.

ARTICLE XII. The Governments of Prussia and of Austria shall be reimbursed by the Duchies for the expenses of the war.

ARTICLE XIII. His Majesty the King of Denmark pledges himself to restore immediately after the exchange of ratifications of the present Treaty, with their cargoes, all the Prussian, Austrian, and German merchant vessels taken during the war, as well as the cargoes belonging to Prussian, Austrian, and German subjects seized on neutral vessels; as well as all the vessels seized by Denmark for military reasons in the ceded Duchies.

The goods here mentioned shall be surrendered in the condition in which they happen to be, bona fide, at the time of their restitution.

In cases in which the goods to be surrendered no longer exist, the value shall be handed over, and if they have lost considerably in value since their seizure, the owners shall

be indemnified in proportion. Further, it is recognized as obligatory to indemnify the freighter and the crew of the vessels and the owners of cargoes for all the expenses and direct losses which shall be proved to have been caused by the seizure of the ships, such as the harbour-dues or roadstead-dues (Liegegelder), expenses of court, and expenses incurred for the up-keep or the homeward journey of the ships and their crews.

As for the ships which cannot actually be given back, the indemnities to be granted shall be reckoned upon the basis of the value which these ships bore at the time of their capture. As regards the damaged cargoes or those which no longer exist, the indemnity shall be fixed according to the value which they would have had at the place of their destination at the time when the vessel should have reached it on a calculation of probabilities.

Their Majesties the King of Prussia and the Emperor of Austria in a similar manner shall cause the restitution of merchant ships taken by their troops or their ships of war, as well as their cargoes, in so far as they belonged to private persons.

If the restitution cannot actually be made, the indemnity shall be fixed according to the principles indicated above.

Their said Majesties pledge themselves at the same time to include in their statement of accounts the sum of the contributions of war raised in ready money by their troops in Jutland. This sum shall be deducted from the indemnities to be paid by Denmark according to the principles established by the present Article.

Their Majesties the King of Prussia, the Emperor of Austria, and the King of Denmark shall appoint a special Commission, which shall fix the amount of the respective indemnities and which shall assemble at Copenhagen not later than 6 weeks after the exchange of ratifications of the present Treaty.

This Commission shall endeavour to accomplish its task in the space of 3 months. If, after that time, it has not been able to agree upon all the claims presented to it, those claims which have not been decided shall be submitted to the decision of an arbitrator. In this event their Majesties the King of Prussia, the Emperor of Austria, and his Majesty the King of Denmark shall come to an understanding as to the choice of an arbitrator.

The indemnities shall be paid at the latest 4 weeks afrer having been definitively fixed.

ARTICLE XIV. The Danish Government shall be charged with the reimbursement of all the sums paid by the subjects of the Duchies, by the communes, public establishments and corporations into the Danish public treasuries as pledge, deposit, or security.

Moreover the following shall be reimbursed to the Duchies :

1. The deposits allocated to the redemption of the Holstein treasury bonds (Kassenscheine) ;
2. The funds destined for the construction of prisons ;
3. The funds of insurances against fire ;
4. Deposit accounts (*Caisse des depôts*).
5. The capital arising from bequests belonging to communes or public institutions in the Duchies.
6. The funds in cash (Kassenbehalte) arising from special receipts of the Duchies and which were bona fide their public cash at the time of the federal execution and of the occupation of those countries.

An International Commission shall be charged with the liquidation of the total of the above-mentioned sums, deducting the expenses incurred in the special administration of the Duchies.

The collection of antiquities at Flensburg, which was connected with the history of Schleswig, but which has been in great part dispersed during the late events, shall again be collected there with the help of the Danish Government.

Furthermore, Danish subjects, communes, public establishments and corporations which shall have deposited money as pledge, deposit, or security in the public treasuries of the Duchies shall be accurately reimbursed by the new Government.

ARTICLE XV. The pensions charged upon the special budgets, either of the Kingdom of Denmark or of the Duchies, shall continue to be paid by the respective countries. The recipients shall be at liberty to choose their domicile either in the Kingdom or in the Duchies.

All the other pensions, civil as well as military (including the pensions of the employees on the Civil List of his late Majesty, King Frederick VII, of his late Royal High-

ness Prince Ferdinand and of her late Royal Highness the Landgrave Charlotte of Hesse, *née* Princess of Denmark, and the pensions which have been paid up till now by the Secretary of Bounties (*Secrétariat des Grâces*) shall be divided between the Kingdom and the Duchies according to the proportion of their respective populations.

For this purpose it has been agreed to have a list drawn up of all these pensions, to convert their value as life-interest into capital, and invite all the recipients to declare if, in the future, they desire to draw their pensions in the Kingdom or in the Duchies.

Should it happen that as a result of these options the proportion between the two quotas, that is to say, between the share falling to the charge of the Duchies and that remaining to the charge of the Kingdom, should not be in conformity with the proportional principle of the respective populations, the difference shall be paid by the party which it concerns.

The pensions charged on the general fund for widows and on the pension fund for military subalterns shall continue to be paid as in the past, in so far as the funds suffice. As regards the supplementary sums which the State will have to pay to these funds, the Duchies shall be responsible for a share of these supplementary sums according to the proportion of their respective populations.

Their share in the institution for life annuities and life assurances founded in 1842 in Copenhagen, in which individual natives of the Duchies have acquired rights, is expressly reserved for them.

An International Commission composed of representatives of the two parties shall meet at Copenhagen immediately after the exchange of ratifications of the present Treaty, to regulate in detail the stipulations of this Article.

Article XVI. The Royal Government of Denmark shall be responsible for the payment of the following appanages: of her Majesty the Dowager Queen Caroline Amelia, of her Royal Highness the Hereditary Princess Caroline, of her Royal Highness the Duchess Wilhelmina Maria of Glücksbourg, of her Highness the Duchess Caroline Charlotte Marianne of Mecklenburg-Strelitz, of her Highness the Dowager Duchess Louise Caroline of Glücksbourg, of his Highness Prince Frederick of Hesse, of their Royal

Highnesses the Princesses Charlotte, Victoria and Amelia of Schleswig-Holstein-Sonderbourg-Augustenbourg.

The quota of this payment falling to the charge of the Duchies according to the proportion of their populations, shall be reimbursed to the Danish Government by that of the Duchies.

The Commission mentioned in the preceding article shall be also responsible for making the arrangements necessary for the execution of the present Article.

ARTICLE XVII. The new Government of the Duchies succeeds to the rights and obligations resulting from contracts regularly stipulated by the administration of His Majesty the King of Denmark for the objects of public interest specially concerning the countries ceded.

It is understood that all the obligations resulting from contracts stipulated by the Danish Government in relation to the war and to the federal execution are not included in the preceding stipulation.

The new Government of the Duchies shall respect every right legally acquired by individuals and civilians in the Duchies.

In the case of disputed claims the tribunals shall investigate affairs in this category.

ARTICLE XVIII. The original natives of the ceded territories, being members of the Danish Army or Navy, shall have the right of being liberated immediately from military service and of returning to their homes.

It is understood that those among them who shall remain in the service of his Majesty the King of Denmark, shall not be in any way molested for that reason either in regard to their persons or to their property.

The same rights and guarantees shall be severally secured to civil employees, natives of Denmark or of the Duchies, who shall manifest their intention of leaving the posts they occupied either in the service of Denmark or of the Duchies, or who shall prefer to retain their situations.

ARTICLE XIX. The subjects domiciled on the territories ceded by the present Treaty shall, during the space of 6 years from the day of the exchange of ratifications of the present Treaty and after making a previous declaration to the competent authority, have the full and complete power to export their movable property, free of duty, and to withdraw with their families into the States of his

Danish Majesty, in which case they shall retain their status as Danish subjects. They shall be free to keep their real estate situated on ceded territory.

The same facilities are granted reciprocally to Danish subjects and to natives of the ceded territories who are settled in the States of his Majesty the King of Denmark.

The subjects who shall make use of the facilities here stated shall not be subjected, as a result of their choice, to any molestation on the one part or on the other, either in regard to their persons or in regard to their property situated in the respective states.

The above-mentioned delay of 6 years shall apply also to the native subjects of the Kingdom of Denmark as well as to those of the ceded territories who, at the time of the exchange of ratifications of the present Treaty, shall find themselves to be outside the territory of the Kingdom of Denmark or of the Duchies. Their declaration can be received by the nearest Danish mission or by the superior authority of any province of the Kingdom or of the Duchies.

The rights of citizenship, not only in the Kingdom of Denmark but also in the Duchies, are preserved for all individuals who hold them at the time of the exchange of ratifications of the present Treaty.

Article XX. The deeds of property, documents of the administration and civil justice, concerning the ceded territory which are in the archives of the Kingdom of Denmark shall be dispatched to the Commissioners of the new Government of the Duchies as soon as possible.

Similarly, all those portions of the archives of Copenhagen which have belonged to the ceded Duchies and have been extracted from their archives shall be delivered to them with the rolls and registers relative to them.

The Danish Government and the new Government of the Duchies pledge themselves reciprocally to produce, on the request of the superior administrative authorities, all the documents and information relative to matters concerning alike Denmark and the Duchies.

Article XXI. The commerce and navigation of Denmark and the ceded Duchies shall reciprocally in both countries enjoy the rights and privileges of the most favoured nation, until special Treaties shall be drawn up to regulate these matters.

The exemptions and facilities with regard to the rights

of transit which in virtue of Article II of the Treaty of March 14, 1857,[1] have been granted for merchandise passing along the roads and canals which connect or will connect the Sea of Ford with the Baltic Sea shall be applicable for merchandise crossing the Kingdom and the Duchies by any means of communication whatsoever.

ARTICLE XXII. The evacuation of Jutland by the allied troops shall be effected with the shortest possible delay, at the latest in the space of 3 weeks after the exchange of ratifications of the present Treaty.

The special dispositions relative to the evacuation are contained in a Protocol annexed to the present Treaty.[2]

ARTICLE XXIII. In order to contribute to the utmost to the pacification of the inhabitants, the High Contracting Parties declare and promise that any individual implicated at the time in recent events, of whatever class or condition he may be, shall not be pursued, molested, or disturbed in regard to his person or his property by reason of his conduct or of his political opinions.

ARTICLE XXIV. The present Treaty shall be ratified and its ratifications shall be exchanged at Vienna within the space of 3 weeks or sooner if possible.

In testimony whereof the respective Plenipotentiaries have signed it and have affixed thereto the seal of their arms.

Done at Vienna the 30th day of the month of October, in the year of Our Lord 1864.

(L.S.) QUAADE.
(L.S.) KAUFFMANN.
(L.S.) WERTHER.
(L.S.) BALAN.
(L.S.) RECHBERG.
(L.S.) BRENNER.

[1] See *State Papers*, vol. xlvii, p. 24.
[2] For Protocol, see *State Papers*, vol. liv, p. 531.

CHAPTER VII

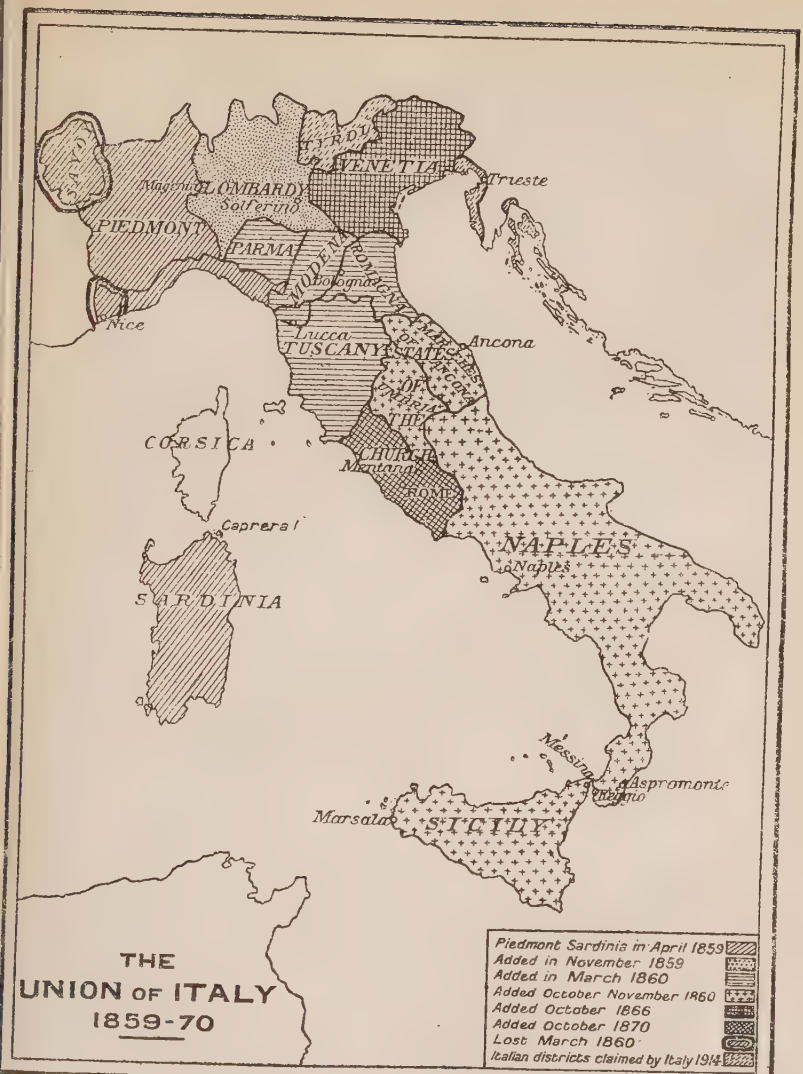
THE UNION OF ITALY

Vienna Congress Treaty and Italy — Swiss Neutrality — Chablais and Faucigny — Italy in the Eighteenth Century — Napoleonic Period — Movements of 1848 and 1849 — War of 1859 — Preliminaries of Villafranca — Congress proposed — Plebiscites in the Duchies — Peace of Zurich — Failure of proposal for Congress — Lord John Russell's dispatch — Proposed Italian Confederation — The Duchies — Sardinian Annexations — Cession of Savoy — — Annexation of Naples — Kingdom of Italy — War of 1866 — Mediation of France — Treaty of Prague — Treaty of Vienna (1866) — Plebiscite in Venetia — Rome as capital of Italy.

Texts : The Treaty of Zurich (1859) — The Treaty of Vienna, 1866.

THE territories, with their boundaries, appertaining to Sardinia and to Austria, were indicated in Articles LXXXV onwards of the Congress Treaty of Vienna of 1815 (see p. 79). Amongst others, the States which constituted the former Republic of Genoa were assigned to Sardinia, and to Austria the territories of Venetia and Lombardy.

The neutrality of Switzerland was guaranteed by the eight Powers in a Declaration signed at Vienna on March 20, 1815. This Declaration formed Annex XI A to the Vienna Congress Treaty. The Swiss Confederation accepted this Declaration by an Act signed at Zurich May 27, 1815, forming Annex XI B to that Treaty. Article XCII of the Congress Treaty declared that the Provinces of Chablais and Faucigny and the territory of Savoy to the north of Ugine, belonging to the King of Sardinia, should form part of the neutrality of Switzerland as so guaranteed. Article CIII restored territories to the Holy See, and Article CIV restored King Ferdinand IV and his heirs to the throne of Naples and acknowledged him as King of the Two Sicilies.


TYROL
VENETIA
Trieste
LOMBARDY
Magenta
Solferino
PIEDMONT
PARMA
MODENA
Bologna
Nice
Lucca
TUSCANY
Ancona
STATE OF THE CHURCH
CORSICA
Montana
ROME
Caprera
NAPLES
Naples
SARDINIA
Messina
Aspromonte
Marsala
SICILY
THE UNION OF ITALY 1859-70
Piedmont Sardinia in April 1859
Added in November 1859
Added in March 1860
Added October November 1860
Added October 1866
Added October 1870
Lost March 1860
Italian districts claimed by Italy 1914

The condition of Italy in the eighteenth century may be briefly summed up. Her people were sunk in apathy under the rule of foreign princes, who, with the exception perhaps of the Habsburg line in Tuscany, entertained a complete disregard for their welfare. In Savoy and Piedmont there was a semblance of national life, because the rulers were native and governed with commendable uprightness: territorial expansion was their constant ambition. Following on the war of the Spanish Succession, Austria (1713) had succeeded to the Spanish dominions in Italy, and though in 1738 she surrendered the Two Sicilies to the Spanish Bourbon line, she remained the dominant power, controlling the smaller States. In South Italy misgovernment produced a constant ferment of discontent. The Papal States, under clerical government, were in a deplorable condition, and, as in South Italy, the well-being of the people was neglected. It was the Napoleonic invasions which first stirred the lethargic mass into consciousness of a common life. In 1796 the French Army first entered Italy, driving the Austrians before them, and establishing republics or annexing territory to France. Napoleon's second invasion in 1800 resulted in the defeat of the Austrians, and in due course led to his own acquisition of the Crown of Italy.

After the fall of Napoleon came the Congress of Vienna, and the territorial and constitutional arrangements above alluded to. Nevertheless matters did not greatly mend. The former rulers resumed ascendancy, the old privileges of nobles and clergy were restored, with the old abuses; but Italy, profiting by past experience, no longer submitted tamely. Revolutions recurred at intervals, both in Northern and Southern Italy as well as in the Papal States. In 1848, at a time of general unrest in Europe, Lombardy and Venice revolted, and being supported by Sardinia, war with Austria ensued. The latter was eventually victorious, and on August 6, 1849, a Treaty of Peace was concluded at

Milan between Austria and Sardinia[1] (the Dukes of Modena and Parma afterwards acceding to it), wherein the boundaries of Sardinia were declared to be those specified in Article LXXXV of the Congress Treaty of Vienna. No prospect of success to the efforts of Sardinia to shake off the Austrian yoke manifested itself until 1858, when Sardinia and France, each animated by interests of her own, approached the question in concert, and it became manifest in the early days of 1859 that war between those two Powers and Austria was imminent.

The Swiss Government, while declaring their neutrality in the event of war, were much exercised in mind over the question whether the passage of French troops into Piedmont by the Victor Emmanuel Railway, which passed through a portion of the neutral territory, would be deemed to be a breach of the neutrality declared by the Congress Treaty of 1815. They held, however, that the negotiators of that treaty did not intend to cut off communication with Piedmont, otherwise they would have included in the neutral territory the then existing road to Chambéry. They therefore decided to raise no obstacle to the use of the railway by French troops in transit.[2] But the question did not assume an acute form. Proposals were then made, originating with Russia, and supported by Great Britain, for assembling a Congress of the Powers to consider the relations between Austria and Sardinia with a view to averting war, the questions for discussion being the evacuation of the Papal States by the armies of Austria and France, the reform of the Papal and other Governments, the safeguarding of Sardinia against invasion by Austria, and the substitution of a new arrangement for ensuring the internal security of the smaller States, in lieu of the Austrian Treaties of 1847.[3] It was suggested that this arrangement should take the form of a confederation

[1] *State Papers*, vol. xxxviii, p. 1239.
[2] Ibid., vol. lvii, pp. 170–2.
[3] Ibid., vol. lvii, pp. 176 ff.

of the smaller Italian States. The treaties here alluded to were the Treaty of Offensive and Defensive Alliance between Austria and Modena of December 24, 1847, for mutual assistance in case of attack, and a similar treaty between Austria and Parma of February 4, 1848.[1] But so many difficulties arose in the course of the negotiations as to what States were to be admitted and what points discussed, that the idea of settling the questions at issue by means of a Congress was finally abandoned; and Austria, after addressing an ultimatum to Sardinia requiring her to disarm, declared war against that Power on April 28, 1859.[2] The Grand Duke of Tuscany and the Duke of Modena thereupon abandoned their respective Duchies and joined the Austrian forces. The Emperor of Austria's manifesto declaring war laid all the blame upon Sardinia, who, it was stated, notwithstanding the moderation of Austria in not annexing territory on the conclusion of Peace in 1849, had ever since agitated by all the expedients of perfidy against the peace and welfare of the Lombardo-Venetian Kingdom. The Italian proclamation announcing war with Austria, dated April 29, 1859,[3] accused Austria of refusing the proposed Congress and of attacking Piedmont because she had advocated the cause of the Italians in the Councils of Europe: Austria had thus violently broken the treaties which she had never respected. On May 3, France declared war against Austria.

The French and Sardinian armies thereupon invaded Lombardy, defeated the Austrians at Magenta (June 4, 1859), and subsequently at Solferino (June 24, 1859). France, mindful of the dangers which threatened in the event of a continuance of the war, with the reluctant acquiescence of Sardinia, then signed Preliminary Articles of Peace with Austria at Villafranca on July 11, 1859.[4]

[1] *State Papers*, vol. xxxvi, pp. 1169–71.
[2] Ibid, vol. lvii, p. 228.
[3] Ibid., vol. lvii, p. 236.
[4] Ibid., vol. xlix, p. 362.

These Preliminaries declared that the two sovereigns favoured the creation of an Italian Confederation under the honorary presidency of the Holy Father; that Austria ceded to France her rights over Lombardy; that France should present the ceded territory to Sardinia; that Venetia should form part of the Italian Confederation, whilst remaining subject to the Crown of Austria; that the Grand Duke of Tuscany and the Duke of Modena should return to their States; and that the Pope should be requested to introduce reforms in his territories.

A definitive Peace was signed at Zurich on November 10, 1859. There were in fact three treaties signed on that day, one between Austria and France, one between France and Sardinia, and one between Austria, France, and Sardinia conjointly.[1] The Plenipotentiaries who negotiated these treaties met at Zurich in August 1859.

Before examining the provisions of these treaties it will be convenient to detail briefly the international discussions which were entered upon immediately on the signature of the preliminaries of peace, and which were continued until the month of January 1860.[2]

As soon as the Preliminaries of Villafranca had been signed, Great Britain, always mindful of the true interests of Italy and also, no doubt, of her own interest in the preservation of peace in Europe, inquired of the British Ambassador at Paris what were the arrangements therein made, what arrangements remained to be considered, and what means were in contemplation for carrying the proposed arrangements into effect. Lord Cowley, the Ambassador in question, furnished the substance of the Preliminaries, as given above. He stated that the details for carrying them into effect must, in the opinion of the French Government, emanate from a congress or conference of the Powers. The French Government were further of

[1] *State Papers*, vol. xlvii, pp. 364, 371, 377.
[2] Ibid., vol. xlix, pp. 87–361.

opinion that it should be optional for all the Italian sovereigns to join or not to join the proposed Confederation, that the French troops should leave Rome on the formation of the Confederation, and that neither Austrian nor French troops should occupy the Legations.[1]

Great Britain was opposed to the idea of a Confederation such as was suggested, on the ground that it would rivet more firmly the preponderance of Austria which it was the object of the late war to put an end to.[2] She was also opposed to the employment of force for the re-establishment of the former rulers of Tuscany, Modena, &c., upon their respective thrones. The Pope was opposed to reforms which included lay government in the Legations, although His Holiness offered reforms which, on examination, were deemed to be of little value. Tuscany was opposed to the return of the Grand Ducal family to the throne, which could only be maintained by the assistance of foreign bayonets. Russia declined to take the initiative in calling together a congress, but would not refuse to take part in it provided that both England and Prussia did so. Other Powers also entertained special views on particular points.

On August 16, 1859, the Tuscan Assembly voted unanimously that they could neither recall nor receive the Austrian dynasty of Lorraine to reign again in Tuscany. On the 20th of the same month they voted, also unanimously, in favour of annexing the Grand Duchy to Piedmont under the sceptre of King Victor Emmanuel.

In the same way, the National Assembly of Modena voted unanimously on August 20, 1859, that the Duke of Modena was deposed from the throne of that Duchy and that no member of the House of Lorraine could be received to reign over it ; and on the following day they voted,

[1] The Legations were the twenty administrative divisions of the Papal States, governed by Legates.

[2] An interesting dispatch by Lord John Russell. See *State Papers*, vol. xlix, p. 110.

also unanimously, the annexation of that Duchy to Piedmont. The Duchy of Parma adopted a similar course. In the meantime temporary governments had been established in those Duchies, following on what was termed the desertion of their territories by their rulers to join the armies of their enemies. Romagna (Papal State) also set up a temporary government.

All this time the negotiations between France and Austria at Zurich for the conclusion of a definitive peace were being slowly and laboriously carried on in the face of the difficulties created by the divergent views of the Powers in connexion with the proposed congress and by the action of the Italian States.

At length, before any final decision was arrived at concerning the meeting of the congress (though its acceptance was confidently expected), the three treaties above specified were signed at Zurich on November 10, 1859, and the ratifications of them were exchanged on the 21st of that month. In their main provisions these treaties were a mere reproduction of the Preliminaries of Villafranca.

The preamble of the Treaty between Austria and France declared its object to be to put an end to the calamities of war and to prevent the recurrence of the complications which gave rise to it by assisting to place on solid and durable bases the internal and external independence of Italy. Article IV of the treaty provided for the cession of Lombardy by Austria to France, except the fortresses of Peschiera and Mantua, &c., and described the new frontiers. Article V recorded the intention of France to hand over to Sardinia the territory thus ceded. By Article XVIII the contracting parties engaged to make every effort to encourage the creation of a Confederation amongst the Italian States under the honorary presidency of the Pope; Venetia, whilst remaining subject to the Crown of Austria, was to form one of the States of the Confederation. Article XX declared that France and Austria

would unite their efforts to obtain from the Pope that the necessity of introducing indispensable reforms should be taken into serious consideration. All the foregoing stipulations were also contained in the Preliminaries of Villafranca. With regard to the restoration of the Grand Duke of Tuscany and the Duke of Modena, the idea was rather differently expressed : the Preliminaries said, ' The Grand Duke of Tuscany and the Duke of Modena return to their States, granting a general Amnesty ';—the Treaty (Article XIX) said, ' As the Territorial delimitations of the Independent States of Italy who took no part in the late war can be changed only with the sanction of the Powers who presided at their formation and recognized their existence, the Rights of the Grand Duke of Tuscany, of the Duke of Modena and of the Duke of Parma are expressly reserved for the consideration of the High Contracting Parties '.

The remaining Articles of the Treaty had reference to prisoners of war, restoration of certain captured vessels, portions of public debt and contracts to be taken over by Lombardy, and other financial arrangements, railways, freedom of inhabitants to remove from ceded territory, military and civil servants, archives, religious societies, non-molestation of individuals in person or property, and such-like.

The Treaty between France and Sardinia (Article I) recited Article IV of the above treaty and transferred to Sardinia the rights over Lombardy acquired by France under that Article. By Article II Sardinia accepted those rights and the charges and conditions consequent thereupon as indicated, which were also recited in that Article (Articles VII to XVI of the Franco-Austrian Treaty).

The Treaty between Austria, France, and Sardinia followed somewhat on the lines of the first Treaty (Austria and France), with the exception of the stipulations respecting the proposed Italian Confederation, the reinstatement of the Dukes and the reforms to be required of the Pope,

concerning which the treaty is silent ; and with the addition of stipulations for the renewal of treaties between Austria and Sardinia subject to revision and their extension to the ceded territories, the free navigation of the Lake of Garda and the River Po, the conclusion of a convention for the prevention of smuggling, and kindred matters as between Austria and Sardinia.

It is to be observed that Sardinia was in no way bound by or concerned in the provisions relating to the establishment of an Italian Confederation, the restoration of the Grand Duke of Tuscany and the Dukes of Modena and Parma, or the introduction of reforms in the Papal States, arranged for in the Preliminaries of Villafranca and in the Franco-Austrian Treaty of Zurich. Those stipulations affected France and Austria alone.

It is evident that the negotiations at Zurich contemplated the submission of these several questions to a congress of the Great Powers, but this congress never took place. Invitations to attend it were issued by France and Austria, Paris was accepted as the seat of its deliberations, and the date of its assembling was approximately fixed for January 1860. Austria and the Pope, however, intervened in such a manner as to render further action by the Powers impossible. The circumstances under which this occurred are thus set forth in a dispatch of January 1, 1860, from the British Ambassador at Paris to Lord John Russell [1] :

' Your Lordship will have been informed . . . that the projected meeting of the Congress on Italian affairs has been indefinitely postponed. A pamphlet published in Paris under the title of " Le Pape et le Congrès " which has created too much stir in the political world not to have attracted your Lordship's attention, is the indirect cause of the postponement. The Austrian Government, it appears, requires an engagement on the part of the French Government neither to bring before the Congress themselves the measures of which the pamphlet is the advocate, nor to

[1] *State Papers*, vol. xlix, p. 361.

support them if brought forward by others. The French Government hesitate at entering into any such engagement, and Austria, in consequence, declines appearing at the Congress—that is, she declares that she will not assist at a Congress in which the Pope is not represented; and it would seem that, although nothing official has as yet been received from Rome, the intention of the Pope is to require the engagement to which I have alluded above before he will send a Plenipotentiary to Paris.'

The proposal for a congress therefore came to nothing.

It has been related above, in connexion with the Treaty of Peace signed at Zurich between Austria and France on November 10, 1859, how it was the object of that treaty (amongst other things) to establish an Italian Confederation and to provide for the return of the Austrian Dukes to their territories in Tuscany, Modena, and Parma respectively, and how the congress which was to have regularized these proposals proved abortive.

As Sardinia was not a party to these arrangements, and as they did not materialize by means of a congress or otherwise, this Power was left with a more or less free hand in the disposal of her destinies.

In the course of the exchange of views which continued to take place between the Powers, it was manifested that England and France were opposed to the principle of the employment of force in carrying out the proposals of Zurich if those proposals were antagonistic to the wishes of the populations concerned; and the French Government did not fail to impress upon that of Austria the fact that such a principle was contrary to French policy and practice.[1] In the early months of 1860, therefore, votes by universal suffrage were obtained, in favour of annexation to Sardinia, in the provinces of Emilia—Bologna, Ferrara, Forli, Massa and Carrara, Modena, Parma, Piacenza, Ravenna and Reggio—which were States of the Church, and in Tuscany. Acting in accordance with the

[1] January 31, 1860. *State Papers*, vol. l, p. 542.

will of the people thus declared, the King of Sardinia, by Decrees dated the 18th and 22nd March, 1860,[1] annexed those territories to his dominions.

The Duke of Modena protested (March 22) against the annexation of Modena; the Grand Duke of Tuscany protested (March 24) against the annexation of Tuscany; the Duchess Regent of Parma protested (March 28) against the annexation of Parma[2]; and the Pope protested (March 24) against the annexation of the Romagna, &c.[3]

Already, before these events had taken place, hints had been thrown out by France in the diplomatic correspondence, and comments had even appeared in the public press of that country, to the effect that the creation of a strong Italian State would constitute a grave danger to France in the existing position of her frontiers, and that a rectification of her boundaries in the direction of Savoy would become essential in order to safeguard her from attack. The idea of the cession of Savoy and Nice to France was in fact discussed by France and Sardinia before the outbreak of the war in 1859, when it was hoped that Venetia would be acquired by Sardinia. When this failed, the idea was abandoned, but resuscitated later on. When rumours of the proposed cession began to assume a more concrete form, the British Government warned France of the dangers which were to be apprehended should a serious attempt be made to bring about the annexation of Savoy and Nice to France.[4] Nevertheless the scheme matured, and early in March 1860, France addressed a long reasoned statement to Great Britain and other Powers[5] setting forth the necessity for the proposed action and expressing the hope that her motives would be appreciated. Great Britain did not altogether appreciate them, but her reply

[1] *State Papers*, vol. lvii, p. 1029.
[2] Ibid., vol. lvii, pp. 1030, 1033, 1037.
[3] Hertslet, *Map of Europe by Treaty*, p. 1422.
[4] See *State Papers*, vol. l, pp. 457, 474, 604.
[5] *State Papers*, vol. l, p. 600.

to the French statement, though controverting its arguments and assertions, did not actually amount to a protest, a fact which the French Government were not slow in making a note of. Thus, on March 24, 1860, in the midst of the Sardinian annexations and the protests of the Dukes and of the Pope, a treaty was concluded at Turin between France and Sardinia for the annexation of Savoy and Nice to France.[1] The second article of this treaty declared that as Sardinia could only transfer the neutralized parts of Savoy on the conditions upon which she herself possessed them, it devolved upon the Emperor of the French to come to an understanding with the Vienna Congress Powers and with Switzerland on the subject. Switzerland, of course, protested against the cession, and appealed to the neutrality articles of the Vienna Congress Treaty. A conference was then proposed for the purpose of reconciling Article XCII of the Congress Treaty with Article II of the Treaty of Turin ; the conference did not, however, take place, but in due course the new boundaries between France and Sardinia were established.

Towards the end of 1860 the King of Sardinia entered Naples (the way having been paved for him by Garibaldi), and, annexation having been voted by plebiscite, assumed the title of King. On March 17, 1861, His Majesty, by a law passed by the Sardinian Chambers, assumed the title of King of Italy.

The next serious push in the direction of the unification of the Italian peninsula was made in 1866, when Italy took advantage of the strained relations then existing between Austria and Prussia (dealt with in another place in connexion with the Treaty of Prague, pp. 241–51) to make a further effort for the emancipation of Venetia from Austria. Three burning questions at that time agitated Europe : the Venetian question as between Austria and Italy, the Danish Duchies question as between Austria and Prussia,

[1] *State Papers*, vol. l, p. 412.

and the question of the reform of the Germanic Confederation as between Austria, Prussia, and other German States. The armies of the several countries concerned were placed upon a war footing, and hostilities appeared imminent. An attempt was made by Great Britain, France, and Russia to convene a conference to discuss the questions at issue in the hope of averting war. Austria alone refused the conference, that is to say she attached to her acceptance of it a condition that no questions of territorial aggrandizement should therein be raised. This put an end to all discussion on the principal points in dispute, and once more, therefore, the idea of arriving at a peaceful solution of the existing difficulties had to be abandoned.

Italy entered into an alliance with Prussia in May 1866, and on the collapse of the proposal for a conference in the following month war was the inevitable and almost immediate result. On June 17 an Austrian manifesto of war with Prussia and Italy was issued; on the 18th a Prussian manifesto of war with Austria; and on the 19th and 20th an Italian manifesto and declaration of war with Austria.[1]

The war was of short duration. Although Austria gained some successes against the Italian forces both on land and at sea, she was entirely defeated by the Prussians, and an opening was afforded to the Emperor of the French to step in as mediator between the contending parties. France obtained from Austria an undertaking to cede to her the Lombardo-Venetian Kingdom, to be by her handed over to Italy; and on July 14, 1866, France submitted to Austria and Prussia a draft of Preliminaries of Peace for their consideration and adoption. The first stipulation of this draft was that the integrity of the Austrian Empire, with the exception of Venetia, should be maintained.[2] Preliminaries on the lines of the French proposal were signed at Nikolsburg on July 26, 1866, between Prussia

[1] *State Papers*, vol. lxiii, pp. 580, 584, 585, 587.
[2] De Clercq, *Recueil des Traités de la France*, vol. ix, p. 599.

and Austria, Prussia undertaking to obtain the concurrence of Italy in them 'as soon as the Venetian Kingdom should have been put at the disposal of the King of Italy by a Declaration of His Majesty the Emperor of the French'.

On August 11 the Emperor of the French addressed a letter to the King of Italy in which the following passage occurred: 'Your Majesty is aware that I accepted the offer of Venetia in order to preserve her from devastation and to prevent a useless effusion of blood. My object always was to restore her to herself, to the end that Italy should be free from the Alps to the Adriatic. Mistress of her destinies, Venetia will soon be in a position, by means of universal suffrage, to give expression to her desires. Your Majesty will acknowledge that under these circumstances the action of France has once more been exercised in the interests of humanity and the independence of the populations.'[1]

The somewhat unusual mode of procedure above indicated was probably adopted as a compromise to meet the unwillingness of Austria to cede Venetia directly to Italy and the reluctance of Italy to accept the territory as a gift from France.

By Article II of the Treaty of Prague of August 23, 1866 (the Peace between Austria and Prussia), it was recorded that the Emperor of the French had officially declared through his Ambassador at Berlin: 'that in so far as regards the Government of the Emperor, Venetia is secured to Italy, to be made over to her at the peace'; and consequently that the Emperor of Austria acceded on his part to that declaration, and gave his consent to the union of the Lombardo-Venetian Kingdom with the Kingdom of Italy.[2]

The Treaty of Peace between Austria and Italy was signed at Vienna on October 3, 1866.[3]

[1] De Clercq, vol. ix, p. 618.
[2] See below, p. 248.
[3] *State Papers*, vol. lvi, p. 700.

The preamble of this treaty declared that Austria had ceded the Lombardo-Venetian Kingdom to the Emperor of the French, who had recorded his willingness to recognize its union with Italy provided that the populations, being consulted, consented thereto; the contracting parties had therefore agreed to the following Articles.

Then came the usual peace and friendship Article and that for the mutual delivery of prisoners of war. Articles III and IV declared the consent of Austria to the union of the Lombardo-Venetian Kingdom to Italy; the boundaries to be the actual administrative confines of the ceded territory, to be traced by a military commission. Thereupon followed stipulations for evacuation of ceded territory, responsibility for certain debts, payments to Austria on account of loan of 1854, and for the price of non-transportable war material, the taking over of Austrian contracts, railway concessions, &c., the mutual reimbursement of monies paid into public banks, the administrative separation of Venetian and Austrian railways, and so forth. Article XIII provided for the extension of railways to unite the Italian and Austrian networks. Article XIV empowered inhabitants on either side to remove, free from molestation, from or into the respective territories with their movable property, while retaining their immovable property. Article XV onwards dealt with persons in the military or civil services, giving the option of remaining; with the payment of pensions; with the delivery of judicial, political, and historical documents; with customs and trade facilities on the frontiers; with the renewal of treaties, &c. Article XXII restored to Princes and Princesses of the House of Austria their personal and real estates, reserving, nevertheless, all the rights of the State and of individuals to be prosecuted by legal means. Article XXIII granted a full and entire amnesty for all individuals compromised on account of political events in the past.

These were the principal stipulations of the treaty, to

which an additional Article was appended fixing the periods of payments to be made by Italy in respect of the Monte-Lombardo debt and in respect of war material.

The ratifications of the treaty were exchanged at Vienna on October 12, 1866.

On the 19th of the same month a ' Procès-verbal ' was drawn up at Venice and signed by the French Commissioner and other members of the commission, whereby Venetia was delivered to the Venetians ' in order that the populations, mistresses of their destinies, might express freely, by universal suffrage, their wishes on the subject of the annexation of Venetia to the Kingdom of Italy '.[1]

The vote above alluded to was taken on October 21 and 22, 1866, and resulted almost unanimously in favour of annexation to Italy. On November 4 following, an Italian decree was promulgated annexing Venetia to the Kingdom of Italy.

It may here be recorded in conclusion that the seat of the Italian Government and Court (which had been transferred from Turin to Florence in 1865) was, after the final withdrawal of the French troops from Rome in 1870, removed to that capital in the year 1871.

TREATY OF PEACE BETWEEN AUSTRIA, FRANCE, AND SARDINIA. SIGNED AT ZURICH, 10TH NOVEMBER, 1859.[2]

(Translation as presented to Parliament.)

ARTICLE I. There shall be from the date of the day of the exchange of the Ratifications of the present Treaty, Peace and Amity between His Majesty the Emperor of Austria and His Majesty the King of Sardinia, their heirs and successors, their respective States and subjects, in perpetuity.

ARTICLE II. The Austrian and Sardinian Prisoners of War shall be immediately returned on either part.

[1] De Clercq, vol. ix, p. 619.
[2] French version in *State Papers*, vol. xl, p. 377.

ARTICLE III. In pursuance of the Territorial Cessions stipulated in the Treaties concluded this day between His Majesty the Emperor of Austria and His Majesty the Emperor of the French, on one side, and His Majesty the Emperor of the French and His Majesty the King of Sardinia on the other, the Delimitation between the Italian Provinces of Austria and Sardinia shall in future be as follows :

The Frontier, starting from the Southern Boundary of the Tyrol, on the Lake de Garda, will follow the middle of the Lake as far as the height of Bardolino and Manerba, whence it will meet, in a straight line, the point where the circle of defence of the Fortress of Peschiera intersects the Lake of Garda.

It will follow the circumference of this circle, the radius of which, reckoned from the centre of the Fortress, is fixed at 3,500 mètres, plus the distance from the said centre to the glacis of the most advanced Fort. From the point of intersection of the circumference thus designated with the Mincio, the Frontier will follow the thalweg of the river as far as Le Grazie ; will stretch from Le Grazie, in a straight line, to Scorzarolo ; will follow the thalweg of the Po as far as Luzzara, beyond which point no change is made in the Boundaries such as they existed before the War.

A Military Commission, appointed by the High Contracting Parties, will be charged with the duty of tracing the Boundary with the least possible delay.

ARTICLE IV. The Territories still occupied in virtue of the Armistice of the 8th of July last shall be reciprocally evacuated by the Austrian and Sardinian Troops, who shall immediately retire beyond the Frontiers determined by the preceding Article.

ARTICLE V. The Government of His Majesty the King of Sardinia shall take upon itself three-fifths of the Debt of the Monte Lombardo-Veneto.

It shall equally undertake a portion of the National Loan of 1854, fixed between the High Contracting Parties at 40,000,000 florins, '*monnaie de Convention*'.

ARTICLE VI. With regard to the 40,000,000 florins stipulated in the preceding Article, the Government of His Majesty the Emperor of the French renews the engagement which it has entered into with the Government of His Majesty the Emperor of Austria, to effect the Payment

of it according to the manner determined in the Additional Article to the Treaty signed this day between the two High Contracting Powers.

On the other hand, the Government of His Majesty the King of Sardinia puts again on record the engagement which it has contracted by the Treaty likewise signed to-day between Sardinia and France, to reimburse this sum to the Government of His Majesty the Emperor of the French, according to the manner stipulated in Article III of the said Treaty.

ARTICLE VII. A Commission, composed of Delegates of the High Contracting Parties, will be immediately formed, in order to proceed to the liquidation of the Monte Lombardo-Venetian Debt. The Division of the Debts and Credits of this establishment will be effected on the basis of three-fifths for Sardinia, and two-fifths for Austria. Of the Assets of the Sinking Fund of the Monte and its Deposits, consisting of public securities, Sardinia will receive three-fifths, and Austria two-fifths; and as to that part of the Assets which consists of Lands or Mortgages, the Commission will effect the partition with reference to the situation of the Property in question, to allot such Property, as far as possible, to that one of the two Governments upon whose Territory it may be situated.

As to the different categories of Debts inscribed up to 4th June, 1859, in the Monte Lombardo-Veneto, and to the capital placed at interest in the deposit bank of the Sinking Fund, Sardinia undertakes three-fifths, and Austria two-fifths, either for the payment of the interest, or the reimbursement of the capital, in accordance with the regulations hitherto in force. The Credits of Austrian subjects shall come by preference into the quota of Austria, who shall, within 3 months after the exchange of Ratifications, or sooner if possible, transmit to the Sardinian Government specific lists of these Credits.

ARTICLE VIII. The Government of His Sardinian Majesty succeeds to the Rights and Obligations resulting from the Contracts regularly stipulated by the Austrian Administration in respect of all matters of public interests specially concerning the Territories ceded.

ARTICLE IX. The Austrian Government will remain charged with the reimbursement of all Sums deposited by Lombard subjects, by the communes, by public establish-

ments and religious corporations, in the Austrian public Banks, by way of caution-money, deposits, or consignments. In like manner the Austrian subjects, communes, public establishments, and religious corporations who have deposited sums of money as caution-money, deposits, or consignments in the Banks of Lombardy, will be punctually reimbursed by the Sardinian Government.

ARTICLE X. The Government of His Majesty the King of Sardinia acknowledges and confirms the concessions of Railways granted by the Austrian Government upon the Territory ceded in all their clauses, and during the whole duration of the concessions, and in particular the concessions made by Contracts dated 14th March, 1856, 8th April, 1857, and 23rd September, 1858.

From the day of the date of the exchange of the Ratifications of the present Treaty, the Sardinian Government is invested with all the rights and subjected to all the obligations appertaining to the Austrian Government in respect of the said concessions in all that relates to the railway lines situate on the Territory ceded. In consequence, the right of Devolution which belonged to the Austrian Government in regard to these Railways is transferred to the Sardinian Government.

The Payments which remain to be made on the sum due to the State by the grantees by virtue of the Contract of 14th March, 1856, by way of equivalent for the expenses of making the said Railways, will be paid in their entirety to the Austrian Treasury.

The credits of the Building Contractors and Tradesmen, and also the compensation money for land taken, so far as they may appertain respectively to the time when the Railways in question were administered for the account of the State, and which have not hitherto been paid, will be borne by the Austrian Government, and, in so far as they may be due from them by virtue of the concession, by the grantees in the name of the Austrian Government.

A special Convention will regulate, with as little delay as possible, the international service of the Railways between Sardinia and Austria.

ARTICLE XI. It is understood that the recovery of the Credits under paragraphs 12, 13, 14, 15, and 16 of the Contract of 14th March, 1856, shall not confer upon Austria any right of Control or Surveillance in the construction

and working of the Railways in the Territories ceded. The Sardinian Government undertakes, for its part, to furnish the Austrian Government with all the information which it may require on this head.

ARTICLE XII. The Lombard Subjects domiciled on the ceded Territory shall enjoy for the space of one year, commencing with the day of the exchange of the Ratifications, and conditionally on a previous Declaration before the competent authorities, full and entire permission to export their Moveables, free of duty, and to withdraw with their families into the States of His Imperial and Royal Apostolic Majesty, in which case their quality of Austrian Subjects shall be retained by them. They shall be free to preserve their Immoveable property, situated on the Territory of Lombardy.

The same permission is accorded reciprocally to Individuals, Natives of the ceded Territory of Lombardy, established in the States of His Majesty the Emperor of Austria.

The Lombards who shall profit by the present arrangements shall not be, on account of their choice, disturbed on one side or on the other, in their persons or in their properties situated in the respective States.

The delay of one year is extended to two years, for the Subjects, Natives of the ceded Territory of Lombardy, who, at the time of the exchange of the Ratifications of the present Treaty, shall be beyond the Territory of the Austrian Monarchy. Their Declaration may be received by the nearest Austrian Mission, or by the superior authorities of any province of the Monarchy.

ARTICLE XIII. The Lombard subjects forming part of the Austrian Army, with the exception of those who are natives of the part of the Lombard Territory retained by His Majesty the Emperor of Austria, shall be immediately set free from Military Service and sent back to their homes.

It is understood that those who declare their wish to remain in the service of His Imperial and Royal Apostolic Majesty shall not be disturbed on that account, either in their persons or in their properties.

The same guarantees are given to persons in Civil Employments, natives of Lombardy, who shall manifest their intention of retaining the offices which they hold in the service of Austria.

ARTICLE XIV. Pensions, Civil as well as Military, regularly paid, and which were charged on the public revenue of Lombardy, remain in the possession of those who are entitled to them, and when there is occasion, to their widows and their children, and shall be paid in future by the Government of His Sardinian Majesty.

This stipulation extends to the holders of Pensions, Civil as well as Military, as well as to their widows and children, without distinction of origin, who shall retain their domicile in the ceded Territory, and whose claims, paid up to 1814 by the *ci-devant* Kingdom of Italy, then fell to the charge of the Austrian Treasury.

ARTICLE XV. The Archives containing the Titles of Property, and Documents connected with administration and civil justice, whether they relate to the part of Lombardy whose possession is reserved to His Majesty the Emperor of Austria, or to the Venetian Provinces, shall be handed over to the Commissioners of His Imperial and Royal Apostolic Majesty as soon as possible.

Reciprocally the Titles of Property, and Documents connected with administration and civil justice, concerning the ceded Territory, which may be found in the Archives of the Emperor of Austria, shall be handed over to the Commissioners of His Majesty the King of Sardinia.

The Governments of Sardinia and Austria bind themselves to communicate reciprocally on the demand of the higher administrative authorities, all the documents and information relative to matters concerning at once Lombardy and Venetia.

ARTICLE XVI. The Religious Corporations established in Lombardy, whose existence the Sardinian laws would not authorise, shall be free to dispose of their Property, both Moveable and Immoveable.

ARTICLE XVII. All the Treaties and Conventions concluded between His Majesty the King of Sardinia and His Majesty the Emperor of Austria which were in force before the 1st April, 1859, are confirmed in as far as they are not modified by the present Treaty. At the same time the two High Contracting Parties bind themselves to submit, within the term of a year, these Treaties and Conventions to a general revision, in order to introduce into them by common agreement, such modifications as shall be considered in accordance with the interests of the two countries.

In the meanwhile these Treaties and Conventions are extended to the Territory recently acquired by His Majesty the King of Sardinia.

ARTICLE XVIII. The Navigation of the Lake of Garda is free, except as regards the special regulations of the Ports and the Water Police. The liberty of Navigation of the Po and its affluents is maintained in accordance with the Treaties.

A Convention designed to regulate the measures necessary to prevent and repress smuggling in these waters will be concluded between Sardinia and Austria, in the term of one year, to date from the exchange of the Ratifications of the present Treaty. In the meanwhile the arrangements stipulated in the Convention of the 22nd November, 1851, for the repression of smuggling on the Lake Maggiore, the Po, and the Ticino, shall be applied to the navigation; and during the same interval no innovation shall be made in the regulations and the rights of navigation in force with regard to the Po and its affluents.

ARTICLE XIX. The Sardinian Government and the Austrian Government bind themselves to regulate, by a special Act, all that relates to the ownership of, and the maintenance of the bridges and passages on the Mincio, where it forms the Frontier, and to such new buildings as may be made in that respect, the expenses which may result from them, and the taking of the Tolls.

ARTICLE XX. Where the Valley of the Mincio shall henceforth mark the Frontier between Sardinia and Austria, the buildings intended for the rectification of the Bed and the Damming up of that River, or which shall be of a nature to alter its current, shall be made by common agreement between the two adjoining States. An ulterior arrangement will regulate this matter.

ARTICLE XXI. The inhabitants of the adjoining districts shall enjoy reciprocally the Facilities which were formerly assured to the dwellers on the Banks of the Ticino.

ARTICLE XXII. In order to contribute, with all their efforts, to the pacification of men's minds, His Majesty the King of Sardinia and His Majesty the Emperor of Austria declare and promise that, in their respective Territories, and in the Countries restored or ceded, no Individual compromised on the occasion of the late events in the Peninsula, of whatever class or condition he may

be, shall be prosecuted, disturbed, or troubled in his person or in his property, on account of his political conduct and opinions.

ARTICLE XXIII. The present Treaty shall be ratified, and its Ratifications exchanged at Zurich in the space of 15 days, or sooner if possible.

In faith of which the respective Plenipotentiaries have signed and sealed it.

Done at Zurich, on the 10th day of the month of November, in the year of Grace, 1859.

(L.S.) KAROLYI.
(L.S.) MEYSENBUG.
(L.S.) BOURQUENEY.
(L.S.) BANNEVILLE.
(L.S.) DES AMBROIS.
(L.S.) JOCTEAU.

TREATY OF PEACE BETWEEN AUSTRIA AND ITALY. SIGNED AT VIENNA, 3RD OCTOBER, 1866.[1]

ARTICLE I. There shall be from the date of the exchange of the Ratifications of the present Treaty, Peace and Friendship between His Majesty the King of Italy and His Majesty the Emperor of Austria, their heirs and successors, their States and their respective subjects in perpetuity.

ARTICLE II. The Italian and Austrian Prisoners of War shall be immediately delivered up on both sides.

ARTICLE III. His Majesty the Emperor of Austria agrees to the Union of the Lombardo-Venetian Kingdom to the Kingdom of Italy.

ARTICLE IV. The Frontier of the Ceded Territory is determined by the actual administrative confines of the Lombardo-Venetian Kingdom.

A Military Commission appointed by the two Contracting Powers shall be entrusted with the execution of the tracing on the spot within the shortest possible delay.

ARTICLE V. The evacuation of the Ceded Territory

[1] French version in *State Papers*, vol. lvi, p. 700; Hertslet, vol. iii, No. 392.

determined by the preceding Article, shall begin immediately after the signature of Peace, and shall be terminated in the shortest possible delay, in conformity with the arrangements agreed upon between the Special Commissioners appointed to that effect.

ARTICLE VI. The Italian Government will take upon itself :

1st. The portion of the Monte Lombardo-Veneto which devolved upon Austria in virtue of the Convention concluded at Milan in 1860 for the execution of Article VII of the Treaty of Zurich ;

2ndly. The Debts added to the Monte Lombardo-Veneto since the 4th of June, 1859, up to the day of the conclusion of the present Treaty ;

3rdly. A sum of 35,000,000 florins, Austrian currency, in cash, for the portion of the Loan of 1854, allotted to Venetia, and for the price of the non-transportable War Material. The manner of paying that sum of 35,000,000 florins, Austrian currency, in cash, shall, in conformity with the precedent of the Treaty of Zurich, be determined in an Additional Article.

ARTICLE VII. A Commission, composed of Italian, Austrian, and French Delegates, shall proceed to the liquidation of the different classes mentioned in the two first paragraphs of the preceding Article, taking into account the Sinking Fund already paid, and the Property, Assets, of every kind, constituting the Sinking Fund. That Commission shall proceed with the Definitive Regulation of the Accounts between the Contracting Parties, and shall fix the time and method to be employed for the liquidation of the Monte Lombardo-Veneto.

ARTICLE VIII. The Government of His Majesty the King of Italy succeeds to the Rights and Obligations resulting from Contracts regularly stipulated by the Austrian Administration for objects of public interest, especially concerning the ceded Territory.

ARTICLE IX. The Austrian Government is charged with the Reimbursement of all sums paid by subjects of the ceded Territory, communal districts, public establishments, and religious societies into the Austrian public Banks in the shape of caution-money, deposits, or consignments. In the same manner, Austrian subjects, communes, public establishments, and religious societies, who have paid

money into the Banks of the ceded Territories in the shape of caution-money, deposits, or consignments, will be punctually reimbursed by the Italian Government.

ARTICLE X. The Government of His Majesty the King of Italy recognises and confirms the concessions granted to the Railroads by the Austrian Government in the ceded Territory, to the full extent of all their arrangements and duration, and particularly the concessions resulting from the Contracts passed under date of 14th March, 1856, 8th April, 1857, and 23rd September, 1858.

The Italian Government also recognises and confirms the stipulations of the Convention of 20th November 1861, between the Administration of the South Lombardo-Venetian and Central Italian Railway Company, as well as the Convention of the 27th February 1866, between the Imperial Minister of Finances and Commerce and the South Austrian Society.

From the time of the exchange of the Ratifications of this Treaty, the Italian Government is bound by all the Rights and Obligations resulting to the Austrian Government by the above-mentioned Convention, in regard to the Lines of Railway situated on the ceded Territory; consequently the right of Devolution which belonged to the Austrian Government.

The Payments which are still to be made of the sum due to the State by the Concessionaries in virtue of the Contract of 14th March, 1856, as an equivalent for the expense of construction of the said Railroads, shall be paid in full into the Austrian Exchequer.

The Credits of the building Contractors and Tradesmen, as well as the Indemnities for appropriation of land, which appertain to the time when the Railways in question were administered on account of the State, and which have not yet been paid, will be paid by the Austrian Government, and, in so far as they may be due from them in virtue of the Act of Concession by the grantees of the Austrian Government.

ARTICLE XI. It is understood that the recovery of the debts, resulting from Paragraphs 12, 13, 14, 15, and 16 of the Contract of the 14th March, 1856, will give Austria no right of control or superintendence over the construction and working of Railways in the ceded Territory. The Italian Government engages on its part to communicate

all the information which may be asked for on the subject by the Austrian Government.

ARTICLE XII. In order to extend to the Venetian Railways the Stipulations of Article XV of the Convention of the 27th February 1866, the High Contracting Parties engage to enter as soon as possible, in concert with the South Austrian Railway Company, into a Convention for the administrative and economical separation of the Venetian and Austrian Railways.

In virtue of the Convention of the 27th February, 1866, the guarantee that the State has to pay to the South Austrian Railway Company shall be calculated on the basis of the net produce of the whole of the Venetian and Austrian Lines forming the networks of the South Austrian Railways actually conceded to the Company. It is understood that the Italian Government will take upon itself a proportionate part of that Guarantee corresponding to the Lines in the ceded Territory, and that the basis of the net produce of the Austrian and Venetian Lines conceded to the said Company shall still form the basis for the evaluation of that Guarantee.

ARTICLE XIII. The Italian and Austrian Governments, desirous of extending the relations between the two States, engage to facilitate Railway Communications and to favour the establishment of new Lines to unite the Italian and Austrian networks. The Government of His Imperial and Royal Apostolic Majesty promises besides to hasten as much as possible the conclusion of the Brenner Line destined to unite the Valley of the Adige with that of the Inn.

ARTICLE XIV. Inhabitants or natives of the Territory ceded by the present Treaty will have, for the space of a year, from the day of the date on which the Ratifications are exchanged, and conditionally on a previous declaration before the competent authorities, full and entire power to export their Moveables, free of duty, and to retire with their families into the States of His Imperial and Royal Apostolic Majesty, in which case their quality of Austrian subjects will be retained by them. They will be at liberty to keep their immoveable property situated on the ceded Territory.

The same power is granted reciprocally to natives of the ceded Territory of Lombardy living in the States of His Majesty the Emperor of Austria.

The Lombards who profit by these arrangements cannot be, on account of their choice, disturbed on either side, in their persons or their properties situated in the respective States.

The delay of one year is extended to two years, for the subjects, natives of the ceded Territory of Lombardy, who at the time of the exchange of the Ratifications of this Treaty are not within the Territory of the Austrian Monarchy. Their Declaration may be received by the nearest Austrian Mission, or by the superior authority of any province of the Monarchy.

ARTICLE XV. The Lombardo-Venetian subjects in the Austrian army will be immediately discharged from military service and sent back to their homes.

It is understood that those amongst them who declare their wish to remain in the service of His Imperial and Royal Apostolic Majesty shall be free to do so, and will not be disturbed on this account, either in person or in property.

The same guarantees are assured to the Civil Employés, natives of the Lombardo-Venetian Kingdom, who manifest their intention of keeping the offices they occupy in the Austrian Service.

Civil Servants born in the Lombardo-Venetian Kingdom shall have the choice, either of remaining in the Austrian Service, or entering the Italian Administration, in which case the Government of His Majesty the King of Italy engages, either to place them in positions analogous to those which they occupied, or allot them Pensions, the amount of which shall be fixed according to the Laws and Regulations in force in Austria. It is understood that the said Civil Servants shall act under the disciplinary Laws and Regulations of the Italian Administration.

ARTICLE XVI. Officers of Italian origin, who are actually in the Austrian Service, shall have the choice, either of remaining in the Service of His Imperial and Royal Apostolic Majesty or of entering the Army of His Majesty the King of Italy, with the Rank they hold in the Austrian Army, provided they make the request within 6 months after the Ratification of the present Treaty.

ARTICLE XVII. The Pensions, both Civil and Military, regularly paid, and which were paid out of the public funds of the Lombardo-Venetian Kingdom, remain due to

those entitled to them, and, if need be, to their widows and children, and will be paid in future by the Government of His Italian Majesty.

This stipulation is extended to the Pensioners, both Civil and Military, as well as to their widows and children, without distinction of origin, who keep their domicile in the ceded Territory, and whose salaries, paid up to 1814 by the then Government of the Lombardo-Venetian Provinces, then became payable by the Austrian Treasury.

ARTICLE XVIII. The Archives of the ceded Territories containing the titles to property, and documents regarding the administration of justice, as well as the Political and Historical Documents of the old Republic of Venice, will be handed over to the Commissioners who shall be appointed thereto, to whose care shall be delivered the objects of Art and Science specially belonging to the ceded Territory.

Reciprocally, the titles to property, and documents connected with the administration and civil justice applying to the Austrian Territories, which may be in the Archives of the ceded Territory, will be handed over to the Commissioners of His Imperial and Royal Apostolic Majesty.

The Governments of Italy and Austria engage to consult each other, at the request of the superior administrative authorities, respecting all the documents and information relative to the affairs which concern both the ceded Territory and the adjoining country.

They also engage to allow authentic Copies to be taken of Historical and Political Documents which may interest the Territories remaining respectively in the possession of the other Contracting Power, and which, in the interest of science, cannot be taken from the Archives to which they belong.

ARTICLE XIX. The High Contracting Powers engage reciprocally to grant the greatest possible Customs Facilities to the bordering Inhabitants of the two Countries for the improvement of their property and the exercise of their trade.

ARTICLE XX. The Treaties and Conventions which have been confirmed by Article XVII of the Treaty of Peace signed at Zurich, on the 10th November, 1859, shall be temporarily renewed for one year, and shall extend to all the Territories of the Kingdom of Italy. In the case

where those Treaties and Conventions shall not be denounced 3 months before the expiration of a year dating from the exchange of the Ratifications, they shall remain in force, and so on, from year to year.

ARTICLE XXI. The two High Contracting Powers reserve to themselves to enter, as soon as possible, into negotiations on the widest bases reciprocally to facilitate business between the two Countries.

Until then, and for the term fixed in the preceding Article, the Treaty of Commerce and Navigation of the 18th October, 1851, shall remain in force and shall apply to the whole Territory of the Kingdom of Italy.

ARTICLE XXII. The Princes and Princesses of the House of Austria, as well as the Princesses who have entered into the Imperial Family by marriage, shall, on proving their Titles, recover their Private Property in full and entire possession, as well Personal as Real, which they shall be allowed to enjoy and to dispose of without being molested in any manner in the enjoyment of their Rights.

Nevertheless, all the Rights of the State and of Individuals are reserved to be prosecuted by legal means.

ARTICLE XXIII. With a view to contribute by every effort to quiet the public mind, the King of Italy and His Majesty the Emperor of Austria declare and promise that in their respective Territories there shall be a full and entire amnesty for all individuals compromised on account of Political Events in the Peninsula up to the present time ; consequently no individual, no matter what may be his rank or position in society, shall be prosecuted, annoyed, or troubled, in person or property, or in the exercise of his rights, on account of his conduct or political opinions.

ARTICLE XXIV. The present Treaty shall be ratified, and the Ratifications exchanged at Vienna within a fortnight, or earlier if possible.

In faith of which, the respective Plenipotentiaries have signed it, and have affixed their Seals thereunto.

Done at Vienna, on the 3rd day of the month of October, of the year of Grace, 1866.

(L.S.) MENABREA.
(L.S.) WIMPFFEN.

Additional Article.

The Government of His Majesty the King of Italy engages itself towards the Government of His Imperial and Royal Apostolic Majesty to pay 35,000,000 florins, Austrian value, equivalent to 87,500,000 francs, stipulated by Article VI of the present Treaty, in the manner and at the periods hereinafter determined :

7,000,000 florins shall be paid in cash by 7 Bills or Treasury Bonds to the order of the Austrian Government, payable at Paris, at the place of business of one of the first Bankers, or of an Establishment of the first order, without interest, on the expiration of the 3rd month, dating from the day of the signature of the present Treaty, and which will be handed to the Plenipotentiary of His Imperial and Royal Apostolic Majesty at the time of the exchange of Ratifications.

The payment of the remaining 28,000,000 florins shall take place at Vienna in cash, in 10 Bills or Treasury Bonds to the order of the Austrian Government, payable at Paris, at the rate of 2,800,000 florins (Austrian value) each to reach maturity successively at intervals of two months. These 10 Bills or Treasury Bonds shall likewise be handed to the Plenipotentiary of His Imperial and Royal Apostolic Majesty on the exchange of the Ratifications. The first of these Bills, or Treasury Bonds, will be payable two months after the payment of the Bills or Treasury Bonds of 7,000,000 florins above stipulated. For that period, as for the others following, becoming due on every succeeding two months, the interest will be reckoned at 5 per cent., dating from the first day of the month which will follow the exchange of the Ratifications of the present Treaty.

The payment of the Interest shall take place at Paris at the expiration of each Bill or Treasury Bond.

The present Additional Article shall have the same force and value as if inserted word for word in the Treaty of this day.

Vienna, 3rd October, 1866.

(L.S.) MENABREA.
(L.S.) WIMPFFEN.

CHAPTER VIII

AUSTRIA AND PRUSSIA

Treaty of Vienna (1864) — Convention of Gastein — Policy of Bismarck — Napoleon III — Dispute between Austria and Prussia — Proposal for Conference — Lord Clarendon — Austrian manifesto — War — Preliminaries of Peace — Treaty of Prague — Annexations — Treaties with minor German States — The North German Confederation.

Text: The Treaty of Prague (1866).

NEITHER the Treaty of Peace with Denmark in 1864 nor the Convention of Gastein in 1865, to which allusion has already been made, completely set at rest the questions previously at issue respecting the Danish Duchies, nor in all probability were they intended to do so by one at least of the parties concerned. The first-named gave the Elbe Duchies to be administered jointly by Austria and Prussia; the latter superseded the joint administration, giving that of Schleswig to Prussia and that of Holstein to Austria. It moreover awarded Lauenburg to Prussia in return for a money payment to be made to Austria, and it laid the foundation for a German Navy, a German naval base at Kiel, and a Kiel Canal, all under the command or control of Prussia. Bismarck, who, soon after the accession of William I to the throne of Prussia, was appointed by the new monarch to the post of Prime Minister and Minister for Foreign Affairs, had from the outset occupied himself with the idea of advancing Prussia to the first place in the Germanic Confederation. The position of Austria as President of the Diet at Frankfort was an obstacle in the way of the realization of this idea, and by gradual steps

extending over years he sought to eliminate Austria from her place in the councils of Germany and to reform the Constitution of the Germanic Confederation.

The question of the Danish Duchies lent itself to the achievement of this design. First came the dismemberment of Denmark in 1864, then the modifications effected at Gastein in 1865. The Convention of Gastein (August 14, 1865) for a time staved off the threatened war between Austria and Prussia by introducing a *modus vivendi* in the Duchies and putting a stop to the squabbles arising out of the joint control. This enabled Bismarck to complete his arrangements and to win over his sovereign to his views, the King of Prussia being at that time averse from entering upon a war with Austria. No sooner was the Convention concluded than Bismarck, in September 1865, approached the Emperor of the French with a view to obtaining his concurrence in the idea of an offensive Alliance between Prussia and Italy against Austria. Napoleon III, always desirous of seeing Venetia united to Italy, and perhaps actuated also by other political reasons, raised no objection to the proposal, and the chance of interference from this quarter being removed, a treaty of offensive and defensive Alliance was concluded between Prussia and Italy in April 1866. Meantime the dissensions in the Germanic Diet concerning the Duchies had led Prussia to put forward demands for the re-constitution of the Germanic Confederation. Reforms proposed by Austria were discarded by Prussia, who took steps to ascertain what amount of support she could count upon from the minor German States in the event of war. Austria announced in March 1866 that she would refer the Duchies question to the Federal Diet, and she pressed upon the Diet the necessity of mobilizing the Federal armies; the Diet agreed to the Austrian proposal for mobilization. Prussia thereupon sent troops into Holstein, and declared in the Diet on June 14, 1866, that the action of Austria in the matter of the mobilization constituted

a breach of the Federal Act which decreed that no member of the Confederation should make war upon another member; in a long argumentative document she announced that she considered the dissolution of the Federal Pact as accomplished, and would act accordingly.[1]

Before matters had arrived at this pitch, that is to say at the beginning of May 1866, fresh endeavours were made by Great Britain, France, and Russia to avert the threatened war between Austria and Prussia by means of assembling a conference or congress of the Powers to discuss the matters in dispute.[2] Lord Clarendon, the British Secretary of State for Foreign Affairs, in a dispatch to the ambassador at Paris, while assenting to the idea of a congress mooted by France, went on to say, 'But Her Majesty's Government consider that a congress should not meet without its objects being previously defined and without a reasonable prospect of effecting the purpose for which it was convoked. The origin of the unfortunate dispute between Prussia and Austria is the Duchies, upon the annexation of which Prussia appears to be determined. Could a congress sanction such a policy, which could only be carried into effect by violence, if the wishes of the people were not consulted, and if they were, assuredly Prussia would not obtain the Duchies? With regard to the cession of Venetia, it is notorious that Austria will not cede her Italian provinces unless she obtains territorial compensation elsewhere; but where is this to be obtained?' Lord Clarendon therefore proposed that, inasmuch as a congress would be powerless to enforce its decisions, an appeal should be made to the three Powers on the point of taking the field, by Great Britain, France, and Russia, who, invoking the Protocol of Paris,[3] should call upon them to resume the *status quo*.

[1] Hertslet's *Map of Europe by Treaty*, vol. iii, p. 1652.

[2] The three questions at issue were the Danish Duchies, the position of Venetia, and the reform of the German Federal Diet.

[3] As to having recourse to mediation before entering on a war,

France did not fall in with this suggestion, but was in favour of a preliminary meeting between England, France, and Russia to settle a programme and announce a 'firm intention' to solve the international difficulties in the direction of peace. The words, 'a firm intention,' were demurred to by England as possibly tending to commit her to action she did not contemplate. France argued, on the other hand, though deprecating the employment of force in giving effect to the firm intention, that the decisions of the Powers would be stripped of all authority if they were to declare beforehand that the enforcement of their decisions by arms was absolutely renounced by them.

A conference at Paris was therefore decided on, and Austria, Prussia, Italy, and the Germanic Confederation were invited to take part in it. Prussia accepted the invitation, but did not admit that the question of the Elbe Duchies was the one which menaced the peace of Europe, 'a question she had never intended to make a *casus belli*'; it was, rather, the menacing attitude and military preparations of Austria and other German States which had given rise to the complications.[1]

Italy and the Germanic Confederation also accepted the invitation. Austria accepted it likewise, but she attached to her acceptance of it a condition to the effect that all discussions with a view to a territorial aggrandizement or an increase of power of any one of the Powers invited to the conference be excluded from its deliberations.[2] This condition was held to exclude from consideration the most important of the questions in dispute, and as a result (June 8, 1866) no conference took place.[3]

Thus, Prussia having declared the Germanic Confedera-

April 14, 1856. This proposition was adopted in principle by the Plenipotentiaries who signed the Treaty of Paris of 1856, without, however, binding their respective Governments to any definite course of action. *State Papers*, vol. xlvi, p. 133. See below p. 270.

[1] *State Papers*, vol. lvii, p. 395.

[2] Ibid., vol. lvii, p. 402.

[3] Ibid., vol. lvii, p. 411.

PRUSSIA
1815-1871
Heligoland
SCHLESWIG
HOLSTEIN
Kiel Canal
Kiel
Hamburg
Wilhelmshaven
Bremen
Hanover
Potsdam
BERLIN
Königsberg
Tilsit
Danzig
WEST PRUSSIA
EAST PRUSSIA
R. Vistula
Warsaw
R. Warthe
Posen
POLAND
R. Oder
Breslau
SILESIA
Koln
Aix la Chapelle
HESSE
SAXONY
Mainz
R. Main
BOHEMIA
MORAVIA
Prussia in 1815
Territory acquired between 1815 & 1866
English Miles
0
50
100
H. S. Hattin
Oxford

tion to be dissolved, and having withdrawn from it, placing the blame upon Austria and the Diet, and having moreover entered into an alliance with Italy, no alternative to war remained. The Austrian manifesto declaring war was dated June 17, the Prussian June 18, and the Italian June 19, 1866.

The manifesto of the Emperor of Austria declaring war against Prussia and Italy went into some detail concerning the causes which had necessitated an appeal to arms.[1] Though slightly coloured with a tint of bias, it probably gives a fairly accurate representation of the position of affairs. His Majesty declared that he was threatened on two frontiers by enemies allied for the purpose of breaking the power of Austria, to neither of whom he had given cause for war. For one of the Powers a favourable opportunity was a sufficient excuse for going to war.[2] The Emperor went on to say that after the conquest of the Elbe Duchies, an aggressive war against Austria was at once prepared for; that on his offer of simultaneous disarmament, Prussia demanded a previous disarmament by Austria, and that no negotiations respecting the Duchies could succeed because Prussia was violent and intent on conquest. She had forcibly ejected the Austrian garrison from Holstein, and when the German 'Bund' had adopted the Austrian proposal to mobilize the Federal troops, she violently severed the tie which united the German races and seceded from the Bund. 'We shall not be alone', added the Emperor, 'in the struggle which is about to take place. The Princes and Peoples of Germany know that their liberty and independence are menaced by a Power which listens but to the dictates of egotism and

[1] *State Papers*, vol. lxiii, p. 580.

[2] This was true enough: it was notorious that Italy was biding her time with a view to acquiring Venetia, of which her Alliance with Prussia is a proof. On the other hand, it is to be borne in mind that the internal condition of Venetia under Austrian rule justified the Italian desire for the emancipation of that kingdom.

is under the influence of an ungovernable craving after aggrandizement.'

Saxony, Bavaria, Wurtemberg, Baden, and Hesse-Cassel threw in their lot with Austria. There can be little doubt that the latter confidently expected a favourable issue from the contest, but superior strategy and rapidity of movement on the part of the Prussians (under the guidance of von Moltke) turned the scale in the opposite direction. After several reverses, and notwithstanding a measure of success against the Italian forces, Austria was glad to have recourse to the mediation of France with a view to peace, at the same time ceding to France the Lombardo-Venetian Kingdom on an understanding that it would be passed on to Italy.[1]

France, in communication with the two belligerents, Austria and Prussia, thereupon drew up a document to serve as a basis for the conclusion of peace, which being accepted by them, a Preliminary Treaty of Peace founded upon it was signed between those two Powers at Nikolsburg on July 26, 1866.[2]

These Preliminaries declared :

Article I. The Austrian territory to remain intact, excepting Venetia. Article II. The dissolution of the Germanic Confederation : new organization to be without the participation of Austria, &c. Article III. Transfer of Austrian rights in the Duchies of Schleswig and Holstein to Prussia and reunion of North Schleswig to Denmark. Article IV. The payment of a war indemnity to Prussia. Article V. The territorial integrity of Saxony, &c. Article VI. That Italy should approve of the Preliminaries of Peace, &c. Article VII. That the Preliminaries should be ratified. Article VIII. That peace should be concluded on the basis of the Preliminaries. Article IX. That an armistice should be concluded between the various States.

[1] Queen Victoria had proposed that England should intervene against Prussia : Lord Russell refused. See Egerton, *British Foreign Policy*, p. 283.

[2] *State Papers*, vol. lvi, p. 1029.

The definitive Treaty of Peace between Austria and Prussia was signed at Prague on August 23, 1866.

The first Article of this Treaty contained the usual peace and friendship stipulation.

The second Article recorded the consent of Austria to the union of the Lombardo-Venetian Kingdom with Italy.

The third Article provided for the liberation of prisoners of war; the details of this and of the evacuation of Austrian territory were given in a Protocol appended to the Treaty.

By the fourth Article Austria acknowledged the dissolution of the Germanic Confederation,[1] and consented to a new organization without the participation of Austria.

The fifth Article transferred to Prussia all the rights over Schleswig and Holstein acquired by Austria under the Treaty of October 30, 1864 (see p. 199), with a condition for the cession to Denmark of Northern Schleswig, if desired by the populations.[2]

The sixth Article guaranteed the territories of Saxony, subject to a contribution to the expenses of the war, and recorded the recognition by Austria of the arrangements to be made by Prussia in North Germany.

The seventh Article provided for arrangements to be made respecting the late Federal property, by means of a commission.

The eighth Article dealt with the removal or disposal of Imperial property in Federal fortresses, &c.

The ninth Article secured payment of pensions of Federal officials; pensions of officers of Schleswig-Holstein Army were to be paid by Prussia.

The tenth Article secured payment of pensions granted

[1] This Confederation had been established by the Powers of Europe at the Congress of Vienna in 1815. It was thus dissolved without their connivance.

[2] This condition was rescinded by arrangement between Austria and Prussia—see p. 252, note.

by the Austrian Lieutenancy in Holstein, and the restoration of bonds belonging to the Holstein Treasury; it also decreed the non-molestation of persons belonging to the Duchies, and of Austrian and Prussian subjects on account of political conduct during recent events.

The eleventh Article fixed the war indemnity to be paid by Austria to Prussia.

The twelfth Article provided for the evacuation of Austrian territory; the details of this were embodied in a Protocol annexed to the Treaty.

The thirteenth Article renewed the treaties in operation before the war, as far as applicable to new conditions, and adumbrated a revision of the Zollverein Treaty of 1865.[1]

The fourteenth and last Article provided for the exchange of ratifications within eight days.

The ratifications were duly exchanged on August 30, 1866.

As soon as the Preliminaries of Peace were signed, Prussia set about the reconstruction of the map of Europe as affected by the events of the late war.

On August 13 (1866) she signed a Treaty of Peace with Wurtemberg, providing for a war indemnity, the re-establishment of Zollverein Treaties, the regulation of railway traffic and communications, &c.[2]

On August 16 the Prussian Landtag was called upon to sanction the annexation of Hanover, Hesse-Cassel, Nassau, and Frankfort to Prussia. This sanction was accorded and a decree promulgated on September 20, 1866.[3]

On August 17 Prussia signed a Treaty of Peace with Baden, similar to the Wurtemberg Treaty, but providing in

[1] In 1833 a Customs Union or *Zollverein* was arranged by treaty between Prussia and several other German States, the object being to establish reciprocal treatment *inter se* with regard to trade, customs-duties, tariffs, and kindred matters. Other States, not originally signatories, subsequently joined the Union. Austria joined it by a treaty dated April 11, 1865. (See *State Papers*, vol. lviii, p. 352.)

[2] *State Papers*, vol. lvii, p. 1163.

[3] Ibid., vol. lvi, p. 1067.

addition for the abolition of navigation dues on the Rhine.[1]

On August 22 she signed a Treaty of Peace with Bavaria, similar to the foregoing, dealing also with the renewal of treaties, navigation dues on the Rhine and Main, telegraphs, cessions of territory to Prussia, &c.[2]

On September 3 she signed a Treaty of Peace with Hesse-Darmstadt of a similar nature, stipulating for the abolition of navigation dues on the Rhine and on the Main, as well as for mutual cessions of territory, &c.[3]

On October 8 she signed a Treaty of Peace with Saxe-Meiningen, renewing treaties, declaring cessions of territory to Prussia, with exclusive use of posts and telegraphs, &c.[4]

On October 21 she signed a Treaty of Peace with Saxony. It dealt with war indemnity, reorganization of Saxon troops as an integral part of the North German Federal Army under the supreme command of the King of Prussia, renewal of treaties, railways, post and telegraph service, abolition of rights of Leipzig University, cessions of territory by Saxony, fortress of Königstein, &c.[5]

Treaties of offensive and defensive alliance were also concluded between Prussia and various South German States in August and September 1866.

By these several treaties, by the annexation of Hanover and other territories, and by the creation of a North German Confederation to take the place of the old Germanic Confederation, Germany (to the exclusion of Austria) was reconstituted under the control of Prussia.

The constitution of the new North German Confederation was promulgated on June 14, 1867.[6]

In the Federal Council, composed of the members of the Confederation, Prussia had the preponderating influence with 17 votes as against 4 votes for Saxony, 2 votes each

[1] *State Papers*, vol. lvii, p. 1165.
[2] Ibid., vol. lvi, p. 1044.
[3] Ibid., vol. lvi, p. 1057.
[4] Ibid., vol. lvi, p. 1082.
[5] Ibid., vol. lvi, pp. 1084, 1090.
[6] Ibid., vol. lvii, p. 296.

for Mecklenburg-Schwerin and Brunswick, and 1 vote each for the remaining 18 members, making a total of 43 votes in all.

The presidency of the Confederation was vested in Prussia, with the right of representing the Confederation internationally, of declaring war and concluding peace, of entering into alliances and other treaties with foreign States, and of accrediting and receiving ambassadors in the name of the Confederation.

All the land forces of the Confederation formed one single army under the command of the King of Prussia as Federal commander-in-chief, who, amongst other attributes, possessed the right of erecting fortresses on Federal territory. The Federal navy, likewise, was placed under the command-in-chief of Prussia. These were some of the more important of the stipulations of the Constitution, which, however, dealt with many other subjects, such as commerce, railways, posts and telegraphs, customs and such-like. It was, moreover, declared that a majority of two-thirds of the votes in the Federal Council was requisite in order to effect an alteration of the Constitution.

Treaty of Peace between Austria and Prussia. Signed at Prague, 23rd August, 1866.[1]

Article I. There shall be Peace and Friendship between His Majesty the Emperor of Austria and His Majesty the King of Prussia, and between their heirs and successors, as well as between their respective States and subjects, henceforth and for ever.

Article II. For the purpose of carrying out Article VI of the Preliminaries of Peace concluded at Nikolsburg on the 26th July, 1866, and as His Majesty the Emperor of the French officially declared through his accredited Ambassador to His Majesty the King of Prussia, on the 29th July, 1866, ' qu'en ce qui concerne le Gouvernement de l'Empereur, la Vénétie est acquise à l'Italie pour lui être remise à la Paix,'—His Majesty the Emperor of Austria

[1] *State Papers*, vol. lvi, p. 1050; Hertslet, vol. iii, No. 388.

also accedes on his part to that Declaration and gives his consent to the Union of the Lombardo-Venetian Kingdom with the Kingdom of Italy, without any other burdensome condition than the liquidation of those Debts which, being charged on the Territories ceded, are to be recognized in accordance with the precedent of the Treaty of Zurich.

ARTICLE III. The Prisoners of War shall be set at liberty immediately on both sides.

ARTICLE IV. His Majesty the Emperor of Austria acknowledges the dissolution of the Germanic Confederation as hitherto constituted, and gives his consent to a new organization of Germany without the participation of the Imperial Austrian State. His Majesty likewise promises to recognize the more restricted Federal relations which His Majesty the King of Prussia will establish to the north of the line of the Main ; and he declares his concurrence in the formation of an Association of the German States situated to the south of that line, whose national connexion with the North German Confederation is reserved for further arrangement between the parties, and which will have an independent international existence.

ARTICLE V. His Majesty the Emperor of Austria transfers to His Majesty the King of Prussia all the rights which he acquired by the Vienna Treaty of Peace of 30th October, 1864, over the Duchies of Holstein and Schleswig, with the condition that the populations of the Northern Districts of Schleswig shall be ceded to Denmark if, by a free vote, they express a wish to be united to Denmark.[1]

ARTICLE VI. At the desire of His Majesty the Emperor of Austria, His Majesty the King of Prussia declares his willingness to let the present Territorial condition of the Kingdom of Saxony remain to the same extent as before, in the alterations which are about to be made in Germany ; but he reserves to himself the right of arranging the contribution of Saxony to the expenses of the War, and the future position of the Kingdom of Saxony in the North German Confederation, by a special Treaty to be concluded with His Majesty the King of Saxony.

[1] This condition was abrogated by treaty between Prussia and Austria (Vienna, October 11, 1878), see *Nouveau Recueil*, IIme série, t. iii, and *Manuel historique de la Question du Slesvig*, by F. de Jessen (Copenhagen, 1906), p. 312.

On the other hand, His Majesty the Emperor of Austria promises to recognise the new arrangements that will be made by His Majesty the King of Prussia in North Germany, including the Territorial alterations.

ARTICLE VII. For the purpose of making arrangements respecting the late Federal Property, a Commission will meet at Frankfort-on-the-Main within 6 weeks at farthest from the Ratification of this Treaty, to which Commission all claims and demands on the German Confederation are to be sent in, and they will be liquidated within 6 months. Austria and Prussia will send Representatives to that Commission, and all the other late Federal Governments are at liberty to do the same.

ARTICLE VIII. Austria has the right of removing or otherwise disposing of the Imperial Property in the Federal Fortresses, and the part of the movable Federal Property belonging to Austria, according to specification ; the same is the case with all the movable effects of the Confederation.

ARTICLE IX. The Pensions to which the regular Officials, Servants, and Pensioners of the Confederation are entitled, or which have already been granted, will be secured to them *pro rata* of the register.

The Royal Prussian Government, however, undertakes the Pensions and Allowances hitherto paid out of the Federal matriculation fund to the Officers of the former Schleswig-Holstein Army and their survivors.

ARTICLE X. The persons interested in the Pensions granted by the Imperial Royal Austrian Lieutenancy in Holstein will still be allowed to draw them.

The sum of 449,500 thalers of Danish currency in 4 per cent. Danish State Bonds, which is still in the custody of the Imperial Royal Austrian Government, and which belongs to the Holstein Treasury, will be restored to it immediately after the Ratification of the present Treaty.

No one belonging to the Duchies of Holstein and Schleswig, and no subject of their Majesties the Emperor of Austria and the King of Prussia will be prosecuted, molested, or obstructed in his person or property on account of his Political conduct during the late events and the War.

ARTICLE XI. His Majesty the Emperor of Austria undertakes to pay to His Majesty the King of Prussia the sum

of 40,000,000 Prussian thalers, to cover part of the expenses which Prussia has been put to by the War. From that sum is however to be deducted the amount of the War expenses which His Majesty the Emperor of Austria has still to demand from the Duchies of Schleswig and Holstein, according to Article XII of the aforesaid Treaty of Vienna of the 30th October, 1864, to the extent of 15,000,000 Prussian thalers, as well as a further sum of 5,000,000, as an equivalent for the free maintenance which the Prussian Army is to have in those parts of the Austrian Territories which it occupies, until the conclusion of Peace ; so that there only remain 20,000,000 to be paid in ready money.

One-half of that sum is to be settled when the Ratification of the present Treaty takes place, the second half 3 weeks later at Oppeln in cash.

Article XII. The Evacuation of the Austrian Territories held by the Royal Prussian troops shall be completed within 3 weeks after the exchange of the Ratifications of the Treaty of Peace. From the day of the exchange of the Ratifications the Prussian General Governments will confine their functions to the purely military sphere of operations.

The special stipulations according to which the Evacuation is to take place are settled in a separate Protocol which forms an Appendix to the present Treaty.

Article XIII. All the Treaties and Conventions concluded between the High Contracting Parties before the War are hereby again brought into force, in so far as they by their nature, must not lose their effect by the dissolution of the relations of the Germanic Confederation. The General Cartel Convention between the German Federal States, of the 10th February, 1831, together with the supplementary stipulations belonging thereto, will especially retain its validity between Austria and Prussia. The Imperial Royal Austrian Government declares, however, that the Monetary Treaty concluded the 24th January, 1857, loses its most essential value for Austria by the dissolution of the German Federal relations, and the Royal Prussian Government declares its willingness to enter into negotiations with Austria and the other participators in that Treaty for the abrogation thereof.

In like manner, the High Contracting Parties reserve to themselves to enter into a negotiation as soon as possible for the Revision of the Commercial and Customs Treaty

of the 11th April, 1865, for the further facilitation of their reciprocal traffic. Meanwhile the said Treaty shall again come into force, on the condition that each of the High Contracting Parties reserves the right of putting an end to its operation after 6 months' notice.

ARTICLE XIV. The Ratifications of the present Treaty shall be exchanged at Prague within the space of 8 days, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the present Treaty, and have affixed to it the Seals of their Arms.

Done at Prague, on the 23rd day of the month of August, in the year of Salvation, 1866.

(L.S.) BRENNER. (L.S.) WERTHER.

CHAPTER IX

THE GRAND DUCHY OF LUXEMBURG

The Grand Duchy of Luxemburg — The Revolution of 1830 — Dissolution of the Germanic Confederation — Crisis of 1866 — The Treaty of London, 1867 — Lord Derby on a Collective Guarantee— Foreign opinion — Obligations of Luxemburg — The War of 1870 — End of the Dutch connexion — The War of 1914.

Text : The Treaty of London (1867).

The Grand Duchy of Luxemburg is to be dated only from the year 1815, when it was created by the Congress of Vienna. The King of the Netherlands was made Grand Duke, as a compensation for the loss of the German territories of the House of Orange-Nassau, which Prussia had been allowed to annex.

Originally a feudal County, within the Mediaeval Empire, Luxemburg at the end of the Middle Ages was part of the dominions of the House of Burgundy. Subsequently, along with the greater part of the Burgundian dominions, including the Netherlands, it passed to the House of Habsburg, through the marriage (in 1477) of Maximilian I to Mary the daughter of Duke Charles the Bold. The Spanish branch of the House of Habsburg held Luxemburg with the 'Spanish Netherlands' from 1556 till 1713, when under the Peace of Utrecht it passed to Austria. During the French Revolutionary Wars Luxemburg was taken from Austria by France. At the Vienna Settlement in 1815 it was not restored to Austria, but, as has already been explained, was erected into a Grand Duchy, with the Dutch King as Grand Duke.

The Grand Duchy, like Belgium, felt the revolutionary

influences which were started by the Revolution of July 1830 in Paris. Luxemburg joined Belgium in throwing off the Dutch control. The Powers, by the Treaty of London, November 15, 1831, partitioned Luxemburg in two; the western and larger portion was to be incorporated in the new Kingdom of Belgium; the rest, with the city of Luxemburg itself, was to continue the Grand Duchy under the King of the Netherlands. Both the Belgians and the Grand Duke were dissatisfied with this arrangement, and it was not till 1839 that the agreement was carried into effect (Treaty of London, April 19, 1839; see p. 135).

From 1839 till 1866 the Grand Duchy remained undisturbed. The reason for its existence in international law was to prevent any aggression of France against Prussia and the North German States. For in 1815, when the Grand Duchy was created, it was France that Europe feared. As the Grand Duchy was not strong enough to defend itself, the city of Luxemburg was fortified, and was garrisoned by Prussia.[1] The Grand Duchy belonged to the Germanic Confederation.

In 1866, however, as a consequence of the war between Austria and Prussia, the German Confederation was dissolved (Treaty of Prague, August 23, 1866; see p. 248). The North German Confederation, under the headship of Prussia with Austria excluded, came into existence. Luxemburg was not part of the new Confederation, and seemed about to gravitate towards France. Napoleon III held that if Luxemburg in 1815 had been needed as a buffer for Germany against France, it was now needed as a buffer for France against Germany. Negotiations were accordingly opened between the Grand Duke and the French Emperor for the sale of Luxemburg to France. Prussia was cognizant of this movement, and proposed to prevent it by war. The cloud of a fearful war between the two

[1] Treaty of Frankfort, July 20, 1819; see Hertslet, vol. i, p. 251, note.

greatest States of the Continent hung over Europe. The British Government worked to avert this, and proposed the meeting of a Conference, the wholesome means by which, from 1815 till 1914, the calamities of war have been many times averted. In the Conference, which took place at London, Great Britain, Austria, Belgium, France, Italy, the Netherlands, Prussia, and Russia, concluded the Treaty of May 11, 1867, which defined anew the position of Luxemburg in international law.

The treaty recognized Luxemburg as a perpetually neutral State. The High Contracting Parties specially put it upon record in Article II, that they 'engage to respect the principle of neutrality', and that they 'placed it under the sanction of the collective Guarantee of the Powers signing Parties to the present Treaty, with the exception of Belgium'.

This guarantee differed from that given to Belgium in two important respects. In the first place, it was a collective guarantee, whereas that given to Belgium has always been held to be individual. When the Luxemburg Treaty was concluded, the Earl of Derby, then Prime Minister, explained that 'a collective guarantee is one which is binding on all the parties collectively; but [of] which, if any difference of opinion should arise, no one of them can be called upon to take upon itself the task of vindication by force of arms'.[1] The guarantee might therefore prove valueless, if one of the signing parties chose to disregard it.

The second difference was that although Luxemburg, like Belgium, was bound by treaty to observe neutrality towards all other States, yet she was not bound to *defend* that neutrality by force of arms. In effect she was forbidden actively to defend her neutrality, by the terms of Article III, which forbade her to maintain any fortified places or military forces. The Prussian garrison, of course, had to evacuate

[1] Hansard, July 4, 1867.

the city of Luxemburg, and the fortifications were dismantled.

During the Franco-Prussian War, 1870–1, the Prussian Government paid great attention to the neutrality of Luxemburg. It was alleged that the Luxemburg railways had been used for passing French soldiers from Metz through the State, and for forwarding provisions to Thionville. Bismarck accordingly notified the signatories of the Treaty of 1867 that the King of Prussia could no longer hold himself bound to observe the neutrality of Luxemburg. Papers were then exchanged between Earl Granville and the Prussian Government on this subject. Eventually the overwhelming military successes of Prussia in France made any action of Bismarck with regard to Luxemburg unnecessary from a military point of view. If, as he contended, France had violated Luxemburg neutrality, Prussia would, of course, have been justified in considering herself free to treat the Grand Duchy as no longer neutralized with regard to the war then being waged. In conclusion, on January 20, 1871, Bismarck notified the British Government that the King of Prussia had no intention of denouncing the Treaty of 1867, and so the affair ended.[1]

The Dutch branch of the House of Orange-Nassau came to an end in the male line in 1890, on the death of King William III of the Netherlands. The Grand Duchy, unlike the kingdom, was bound by the Salic Law, and accordingly passed to the branch of the Dukes of Nassau. The neutrality of the Grand Duchy was unbroken till the outbreak of the European War. On August 2, 1914, the German forces entered Luxemburg; the Imperial Government alleged that French forces had already committed hostile acts within the Grand Duchy.

[1] Parliamentary Papers, 1871; Mowat, *Select Treaties*, pp. 44–8.

TREATY BETWEEN GREAT BRITAIN, AUSTRIA, BELGIUM, FRANCE, ITALY, THE NETHERLANDS, PRUSSIA, AND RUSSIA, RELATIVE TO THE GRAND DUCHY OF LUXEMBURG AND THE DUCHY OF LIMBURG. SIGNED AT LONDON, 11TH MAY, 1867.[1]

ARTICLE I. His Majesty the King of the Netherlands, Grand Duke of Luxemburg, maintains the ties which attach the said Grand Duchy to the House of Orange-Nassau, in virtue of the Treaties which placed that State under the Sovereignty of the King Grand Duke, his descendants and successors.

The Rights which the Agnates of the House of Nassau possess with regard to the Succession of the Grand Duchy, in virtue of the same Treaties, are maintained.

The High Contracting Parties accept the present Declaration, and place it upon record.

ARTICLE II. The Grand Duchy of Luxemburg, within the Limits determined by the Act annexed to the Treaties of the 19th April, 1839, under the Guarantee of the Courts of Great Britain, Austria, France, Prussia, and Russia, shall henceforth form a perpetually Neutral State.

It shall be bound to observe the same Neutrality towards all other States.

The High Contracting Parties engage to respect the principle of Neutrality stipulated by the present Article.

That principle is and remains placed under the sanction of the collective Guarantee of the Powers signing Parties to the present Treaty, with the exception of Belgium, which is itself a Neutral State.

ARTICLE III. The Grand Duchy of Luxemburg being Neutralized, according to the terms of the preceding Article, the maintenance or establishment of Fortresses upon its Territory becomes without necessity as well as without object.

In consequence, it is agreed by common consent that the City of Luxemburg, considered in time past, in a military point of view, as a Federal Fortress, shall cease to be a fortified city.

His Majesty the King Grand Duke reserves to himself to maintain in that city the number of troops necessary to provide in it for the maintenance of good order.

[1] *State Papers*, vol. lvii, p. 32; Hertslet, vol. iii, No. 405.

ARTICLE IV. In conformity with the stipulations contained in Articles II and III, His Majesty the King of Prussia declares that his troops actually in garrison in the Fortress of Luxemburg shall receive orders to proceed to the Evacuation of that place immediately after the exchange of the Ratifications of the present Treaty. The withdrawal of the artillery, munitions, and every object which forms part of the equipment of the said Fortress shall commence simultaneously. During that operation there shall remain in it no more than the number of troops necessary to provide for the safety of the material of war, and to effect the dispatch thereof, which shall be completed within the shortest time possible.

ARTICLE V. His Majesty the King Grand Duke, in virtue of the rights of Sovereignty which he exercises over the City and Fortress of Luxemburg, engages, on his part, to take the necessary measures for converting the said Fortress into an open city by means of a demolition which His Majesty shall deem sufficient to fulfil the intentions of the High Contracting Parties expressed in Article III of the present Treaty. The works requisite for that purpose shall be commenced immediately after the withdrawal of the garrison. They shall be carried out with all the attention required for the interests of the inhabitants of the city.

His Majesty the King Grand Duke promises, moreover, that the Fortifications of the city of Luxemburg shall not be restored in future, and that no Military Establishment shall be there maintained or created.

ARTICLE VI. The Powers signing Parties to the present Treaty recognize that the Dissolution of the Germanic Confederation having equally produced the Dissolution of the ties which united the Duchy of Limburg, collectively with the Grand Duchy of Luxemburg, to the said Confederation, it results therefrom that the relations, of which mention is made in Articles III, IV, and V of the Treaty of the 19th April, 1839, between the Grand Duchy and certain Territories belonging to the Duchy of Limburg, have ceased to exist, the said Territories continuing to form an integral part of the Kingdom of the Netherlands.

ARTICLE VII. The present Treaty shall be ratified, and the Ratifications shall be exchanged at London within the space of 4 weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have

signed the same, and have affixed thereto the Seals of their Arms.

Done at London, the 11th day of May, in the year of Our Lord, 1867.

(L.S.) STANLEY.
(L.S.) APPONYI.
(L.S.) VAN DE WEYER.
(L.S.) LA TOUR D'AUVERGNE.
(L.S.) D'AZEGLIO.
(L.S.) BENTINCK.
(L.S.) TORNACO.
(L.S.) E. SERVAIS.
(L.S.) BERNSTORFF.
(L.S.) BRUNNOW.

CHAPTER X

THE FRANCO-GERMAN WAR

France and Prussia, 1866 — Bismarck on the prospect of War — Grand Duchy of Luxemburg — The Hohenzollern candidature for Spanish Throne — Duc de Gramont's views — Attitude of the King of Prussia — Withdrawal of Hohenzollern candidature — Demand of French Government — Refusal of Bismarck — Ems Telegram — Protocol of Paris (1856) — Neutrality of Belgium — War, 1870–1 — Proclamation of German Empire — Preliminaries of Versailles — Treaty of Frankfort — Constitution of the German Empire — Outcome of Franco-German War.

Texts : The Preliminaries of Versailles (1871) — The Treaty of Frankfort (1871) — The Constitution of the German Empire.

It has already been related, in a previous chapter, that after the conclusion of the Austro-Prussian Convention at Gastein in 1865, Count Bismarck, in view of the practical certainty of war with Austria in the near future, approached the Emperor of the French for the purpose of obtaining his concurrence in a projected alliance between Prussia and Italy, to become operative on the outbreak of such a war. Bismarck and the Emperor Napoleon III met at Biarritz in September 1865. Their negotiations, or conversations, took place without witnesses, and the precise form which they assumed is not known. That Napoleon favoured the acquisition of Venetia by Italy is undeniable, but that he fell in with Bismarck's proposals without a promise of compensation, real or implied, may well be doubted. Whatever impression Bismarck may have left upon his mind, the fact remains that on the conclusion of peace between Austria and Prussia in 1866, no benefits accrued to France if we except the prestige conferred upon the Emperor by his assumption of the rôle of mediator in arranging the terms of that peace. It is not surprising that

an ever-increasing jealousy of the growing power of Prussia supervened.

Bismarck, in his *Reminiscences*, says, 'It was already quite clear to me that we should have to defend the conquests of the campaign in future wars, just as Frederick the Great had to defend the results of his two first Silesian Wars in the fiercer fire of the Seven Years' War. That a war with France would succeed that with Austria lay in the logic of history'.[1]

Prussia proceeded with her task of the unification of Germany by the formation of the North German Confederation, by treaties of alliance with the Southern German States, and by the placing of all military power in the hands of the Prussian monarch (see p. 250). It was the general opinion that a war with France was only a question of time. In 1867 the question of Luxemburg for a while threatened the peace of Europe, when France and Prussia held divergent views about the future of the Grand Duchy, but the danger of war was averted by means of a Conference of the Powers at London, where a treaty was signed in which the neutrality of Luxemburg was guaranteed.[2]

In the winter of 1868–9 Count von Moltke elaborated a complete scheme of action for the contingency of an invasion of France. Peace was, however, maintained until the year 1870, when General Prim, the head of the provisional Government in Spain, suddenly and without notice to other foreign States (England and France, at any rate, were not previously informed), offered the then vacant throne of Spain to Prince Leopold of Hohenzollern-Sigmaringen, who accepted it.

The news of this event reached Paris and London on July 5, 1870. The Duc de Gramont immediately informed the Prussian ambassador at Paris, in plain language, that France could not tolerate the establishment of any Prussian

[1] Bismarck, *Reflections and Reminiscences* (trans. Butler), chap. xx.
[2] *State Papers*, vol. lvii, p. 32; see above, pp. 257 ff.

Present boundary of France shown thus
Territory French in 1814 and lost in 1815
Acquisitions since 1815
Alsace and Lorraine ceded 1871
ATLANTIC OCEAN
ENGLISH CHANNEL
BAY OF BISCAY
MEDITERRANEAN SEA
Lille
Arras
Amiens
Cherbourg
Rouen
Beauvais
Caen
Reims
Versailles
PARIS
Chartres
Troyes
Rennes
Quimper
Le Mans
Chaumont
Angers
Orleans
Nantes
Tours
Dijon
Bourges
Besançon
Nevers
Châteauroux
Rochelle
BOURBONNAIS
Macon
Guéret
Limoges
Clermont
Lyon
Chambéry
Angoulême
Tulle
Grenoble
Bordeaux
Aurillac
Mende
Rodez
Cahors
Agen
Digne
Avignon
Nimes
Albi
Toulouse
Aix
Marseilles
Bayonne
Pau
Cette
Foix
Gulf of Lions
Toulon
Perpignan
Nice
Corsica
Bastia
Ajaccio
Bonifacio
FRANCE
1814-1917
English Miles
0 50 100 150

Prince upon the Spanish throne; and a statement to the same effect was made by the Duke in the Corps Législatif.

I rise to reply to the interpellation addressed to me yesterday by M. Cochery. It is true that Marshal Prim has offered the crown of Spain to Prince Leopold of Hohenzollern and that the latter has accepted it. But the Spanish people have not as yet pronounced their views upon the matter, nor are we at present aware of the true details of a negotiation of which we have been kept in ignorance. An immediate discussion could not therefore lead to any practical result. We beg you, Gentlemen, to postpone it. We have never ceased to demonstrate our sympathy with the Spanish nation, and to avoid everything in the nature of an interference in the internal affairs of a great and noble nation in full exercise of its sovereignty; we have not deviated from a course of the strictest neutrality with regard to the various aspirants to the throne and we have never shown for any of them either preference or aversion. We shall persevere in this line of conduct. But we do not believe that our respect for the rights of a neighbouring people obliges us to permit a Foreign Power, by placing one of her Princes upon the throne of Charles V, to disturb to our detriment the existing equilibrium of the forces of Europe, and to endanger the interests and the honour of France. We have a firm hope that this eventuality will not be realised. To prevent it we rely equally upon the wisdom of the German people and upon the friendship of those of Spain. If it were otherwise, strong in your support, Gentlemen, and in that of the Nation, we should know how to fulfil our duty without hesitation and without weakness.[1]

On July 6 the French ambassador in London appealed to the British Government to exercise all their influence upon Prussia and upon Spain in order to put a stop to the projected installation of the Prince on the Spanish throne. Lord Granville accordingly addressed strong but friendly representations both to Prussia and to Spain, urging them for the sake of the general welfare to consider the possible consequences of an adherence to the proposed arrangement. Lord Lyons reported from Paris on the indignation of the

[1] *State Papers*, vol. lx, pp. 788–9.

French people at what they could only regard as an insult and a challenge from Prussia, adding, however, that he did not believe that either the Emperor or his Ministers either wished for war or expected it. The Duc de Gramont, in discussing the question with the ambassador, urged that it was not only the pride of France which was concerned, but also that her military power was at stake. 'What', he observed, 'had been the result of placing the brother of Prince Leopold at the head of the Government of Roumania? He had immediately begun to collect arms, to form an army, and obeying in all points the instructions he received from Berlin, to prepare a Prussian arsenal to be used in case of war between Prussia and Austria. What had been done there on a small scale would be done on a great scale in Spain. The Prince of Hohenzollern would make himself a military sovereign and would get ready the means of paralysing 200,000 French troops if France should be engaged in war in Europe. It would be madness to wait until this was accomplished.' He trusted much to the aid of the British Government in avoiding war.[1]

The German ambassador informed Lord Granville that the King of Prussia was a stranger to the negotiations with Prince Leopold, but that he would not forbid the Prince to accept the crown of Spain. On the other hand, the Duc de Gramont stated that he had reason to know, and indeed the Spanish Minister did not deny it, that the King of Prussia had been cognizant of the negotiations between Prim and the Prince of Hohenzollern throughout.[2]

The King of Prussia himself admitted that he had given his consent to the Hohenzollern candidature, and stated that having given it, it would be difficult to withdraw it.

The candidature of Prince Leopold was, in view of the threatening attitude of affairs, withdrawn by his father in his name, and it was at first hoped that by this action the difficulties which had arisen would be removed. It

[1] *State Papers*, vol. lx, pp. 784–94. [2] Ibid., pp. 796, 799.

was argued, however, by France that this was not sufficient, and that some guarantee should be given by Prussia that Prince Leopold's candidature would not be revived. Lord Granville, thereupon, whilst regretting that France was unable to accept the mere withdrawal as a sufficient concession, submitted a memorandum for communication to the King of Prussia recommending that as the King had consented to the acceptance by Prince Leopold of the throne of Spain, and had thereby in a certain sense become a party to the arrangement, His Majesty might with perfect dignity communicate to the French Government his consent to the withdrawal of that acceptance, in the event of France waiving her demand for an engagement covering the future. Count Bismarck replied by telegraph (on the 14th or 15th July) that he regretted that Her Majesty's Government should have made a proposal which it would be impossible for him to recommend to the King for his acceptance, and he went on to allude to the question of the succession, as he had previously done, as a private matter in which Prussia was not concerned.[1]

A letter of July 10, 1870, from King William of Prussia to King Charles of Roumania shows that the Prussian Government knew and approved of the Hohenzollern candidature for the Spanish throne,[2] and there is no doubt that Bismarck made use of it for the furtherance of his political aims. The history of the 'Ems telegram' is instructive on this point, as told by Bismarck and Busch.

It appears that von Roon, the Prussian War Minister, and Moltke were dining with Bismarck on July 13 (1870). In the course of the repast intelligence arrived from the Prussian Embassy at Paris to the effect that the Prince of Hohenzollern had renounced the Spanish throne in order to prevent the war with which France threatened Prussia. Bismarck says, 'My first idea was to retire from the

[1] *State Papers*, vol. lx, p. 826.

[2] See *Aus dem Leben König Karls von Rumänien.* (Stuttgart, 1894.) Band II, 101. Letter dated 28 June–10 July 1870.

service because after all the national challenges which had gone before I perceived in this extorted submission a humiliation to Germany, for which I did not desire to be responsible'. (A threat to retire had more than once been resorted to by that statesman as an expedient for the attainment of his ends.) Following on this intelligence came a long telegram of about 200 words from King William, who was then at Ems, detailing his communications with the French ambassador Benedetti as forming part of a negotiation still pending on the Hohenzollern question. Moltke was in despair. 'It looked', says Bismarck, 'as if Our Most Gracious might knuckle under after all. . . . Seating myself at a small table I boiled down those 200 words to about twenty, but without otherwise altering or adding anything.' The reduced telegram stated, in terms so brief as to convey the impression of an actual insult, that the King had refused to see Benedetti, and had informed him by an aide-de-camp that he had nothing more to communicate to him. Moltke said, 'Now it has a different ring. It sounded before like a parley, now it sounds like a flourish in answer to a challenge.' The reduced telegram was officially published at Berlin and sent to the different Embassies in Europe. It so excited the French Government and people that war resulted in the course of a couple of days.

'Thus', says a commentator, 'the war was the deliberate work of a small group of conspirators holding the highest positions in the Prussian Empire, whose action on this occasion rendered it inevitable.'[1]

[1] *Nineteenth Century*, August 1916. The original telegram was actually from Herr Abeken and was as follows: 'His Majesty writes to me: "Count Benedetti spoke to me on the promenade, in order to demand from me, finally in a very importunate manner, that I should authorise him to telegraph at once that I bound myself for all future time never again to give my consent if the Hohenzollerns should renew their candidature. I refused at last somewhat sternly, as it is neither right nor possible to undertake engagements of this kind *à tout jamais*. Naturally I told him that I had as yet received no news, and as he was earlier informed about Paris and Madrid than myself, he could clearly see that my government

It may, at any rate, be maintained that the responsibility for the war did not rest entirely on France.

The efforts of the British Government to preserve peace were continued until the last moment, an appeal being made to the 23rd Protocol of the Paris Congress (1856) relative to recourse being had to the good offices of a friendly Power before proceeding to extremities, but no success resulted.

On the eve of the declaration of war the French Government spontaneously declared their determination to respect the neutrality of Belgium.[1] The Prussian Government also intimated to the Netherlands Minister at Berlin that 'as regards Belgium and Luxemburg, the neutrality of both countries was guaranteed by Treaty, and it would be scrupulously respected by Prussia'.[2]

Nevertheless, the British Government deemed it desirable to emphasize the fact of the neutrality of Belgium by means of a separate treaty with each of the belligerents, indicating the course which Great Britain was prepared to

once more had no hand in the matter." His Majesty has since received a letter from the Prince. His Majesty having told Count Benedetti that he was awaiting news from the Prince, has decided, with reference to the above demand, upon the representation of Count Eulenburg and myself, not to receive Count Benedetti again, but only to let him be informed through an aide-de-camp: That his Majesty had now received from the Prince confirmation of the news which Benedetti had already received from Paris, and had nothing further to say to the ambassador. His Majesty leaves it to your Excellency whether Benedetti's fresh demand and its rejection should not be at once communicated both to our ambassadors and to the press.' The telegram, as reduced and given to the Press by Bismarck, ran as follows: 'After the news of the renunciation of the hereditary Prince of Hohenzollern had been officially communicated to the imperial government of France by the royal government of Spain, the French ambassador at Ems further demanded of his Majesty the King that he would authorise him to telegraph to Paris that his Majesty the King bound himself for all future time never again to give his consent if the Hohenzollerns should renew their candidature. His Majesty the King thereupon decided not to receive the French ambassador again, and sent to tell him through the aide-de-camp on duty that his Majesty had nothing further to communicate to the ambassador.'—Bismarck, *Reflections and Reminiscences*, chap xxii.

[1] *State Papers*, vol. lx, p. 870. [2] Ibid., vol. lx, p. 860.

follow in the event of the disregard of that neutrality by either of them. Their proposal to this effect having been accepted by France and Prussia, a treaty with each was duly signed, that with Prussia bearing date August 9, and that with France August 11, 1870.[1] It was declared that these treaties should remain in force until one year after the ratification of a Treaty of Peace between the belligerents, and on the expiration of that time the independence and neutrality of Belgium would, so far as the contracting parties were concerned, continue to rest, as in the past, on Article I of the Quintuple Treaty of April 19, 1839.[2]

War was declared by France on July 19, 1870.[3]

On September 2 the Emperor of the French surrendered, with his army, to the King of Prussia at Sedan ; a Government of National Defence was set up at Paris ; Paris was invested and bombarded by the Germans. It capitulated in January 1871. On the 28th of the same month a convention of armistice was concluded at Versailles.[4]

A Preliminary Treaty of Peace between France and Germany was signed at Versailles on February 26, 1871.[5]

The King of Prussia had previously (on January 18) been proclaimed German Emperor by the sovereigns of Germany and the chiefs of the army assembled in the Hall of Mirrors at Versailles.

By Article I of the Preliminaries the new boundaries between France and Germany, consequent on the cession of Alsace and Lorraine by France, were laid down. It was agreed that these boundaries should be traced on the spot by an international commission.

Article II stated the indemnity to be paid by France and the mode of payment. (See also Article III.)

[1] *State Papers*, vol. lx, pp. 10, 13.
[2] Ibid., vol. xxvii, p. 1000.
[3] Ibid., vol. lx, p. 907.
[4] Ibid., vol. lxii, p. 49.
[5] Ibid., vol. lxii, p. 59. The Documents relating to the causes of the War of 1870–1 have been issued in ten volumes by the French Government—*Les Origines diplomatiques de la Guerre de 1870–1871* (Paris, 1910–14).

The remaining Articles dealt with the evacuation of French territory, inhabitants of ceded territories, prisoners of war, negotiations for definitive treaty, administration of occupied territories, taxes, &c.

Bavaria, Wurtemberg, and Baden acceded to this Treaty on the day of its signature.[1]

The Definitive Treaty of Peace was signed at Frankfort on May 10, 1871.[2]

It contains in Article I a modification of the boundary laid down in the Preliminary Treaty, and goes on to provide for the choice of nationality by natives of ceded territory, and their retention of immovable property; an amnesty in respect of action previous to the war; surrender of archives; reimbursement of certain moneys and premiums; navigation of the Moselle and canals; diocesan limits; payment of war indemnity; conditions of evacuation on payment of instalments; contributions and taxes during occupation; maintenance of troops; importations from ceded territories into France; prisoners of war and disposition of French troops; most favoured nation treatment, with the exception of certain States; renewal of navigation, railway, and copyright treaties; French shipping dues; property of expelled Germans; naturalization; restoration of maritime prizes; canalization of the Moselle; treatment of nationals in circumstances arising from the war; preservation of soldiers' graves; additional stipulations reserved for further negotiations. The last Article (XVIII) provides for the exchange of ratifications.

Three additional Articles were signed on the same day, relating to purchase of railways and railway rights, and rectification of the frontier near Belfort.

Bavaria, Wurtemberg, and Baden acceded to this treaty on May 15, 1871.

Two additional conventions, dated respectively October 12 and December 11, relating to customs, renewal of treaties,

[1] *State Papers*, vol. lxii, p. 63. [2] Ibid., vol. lxii, p. 77.

&c., were also signed, the first at Berlin, the second at Frankfort.[1]

A Constitution for the newly-established German Empire was promulgated at Berlin on April 16, 1871.[2] The territory of the Empire (or Confederation) is therein declared to comprise 'the States of Prussia with Lauenburg, Bavaria, Saxony, Wurtemberg, Baden, Hesse, Mecklenburg-Schwerin, Saxe-Weimar, Mecklenburg-Strelitz, Oldenburg, Brunswick, Saxe-Meiningen, Saxe-Altenburg, Saxe-Coburg-Gotha, Anhalt, Schwarzburg-Rudolstadt, Schwarzburg-Sondershausen, Waldeck, Reuss Elder Line, Reuss Younger Line, Schaumburg-Lippe, Lippe, Lubeck, Bremen, and Hamburg'.

The Confederation, which was to bear the name of 'German Empire', was established, according to the preamble, for the protection of the territory of the Confederation and the rights thereof, as well as to care for the welfare of the German people.

One common nationality was declared to exist for entire Germany, so that every person belonging to any one of the Confederated States should be treated in every other of those States as a born native, with equal rights. Imperial laws were given precedence over laws of the States. A Council of the Confederation was formed in which Prussia had 17 votes (as in the previous Constitution of 1867), Bavaria 6 votes, Saxony and Wurtemberg 4 votes each, Baden and Hesse 3 votes each, Mecklenburg-Schwerin and Oldenburg 2 votes each, and the remaining States 1 vote each, making a total of 58 votes. The presidency of the Confederation was vested in the King of Prussia, 'who bears the name of German Emperor', whose attribute it was to represent the Empire internationally, to declare war and to conclude peace, to enter into alliances and other treaties with foreign Powers, and to accredit and to receive ambassadors. The consent of the Council was declared necessary for the declaration of war, unless an

[1] *State Papers*, vol. lxii, pp. 88, 92. [2] Ibid., vol. lxi, p. 58.

attack on the territory of the Confederation should have taken place. One customs and commercial territory for the whole of Germany was decreed. The Constitution further dealt with the construction and management of imperial railways; with postal and telegraph affairs; with the navy (under the command of the Emperor), and the obligation of the maritime population to serve in it, while exempt from service in the land forces; with the merchant navy; with the appointment of consuls; with universal military service, the strength of the army in peace, the entire force to form a single army under the command of the Emperor, &c.; with the erection of fortresses; with the imperial finances, &c. The last Article of the Constitution (Article LXXVIII) declares that alterations in the Constitution shall be considered as rejected if they have fourteen votes in the Council against them.

The outcome of the Franco-German War thus embraced a further unification of all Germany (Austria excepted), as well as an accession of territory in the cession of Alsace and Lorraine by France, and the payment by France of a huge war indemnity of 5 milliards of francs.

Preliminary Treaty of Peace between France and Germany. Signed at Versailles, 26th February, 1871.[1]

Article I. France renounces in favour of the German Empire all her Rights and Titles over the Territories situated on the East of the Frontier hereafter described.

The Line of Demarcation begins at the North-west Frontier of the Canton of Cattenom, towards the Grand Duchy of Luxemburg, follows on the South the Western Frontiers of the Cantons of Cattenom and Thionville, passes by the Canton of Briey, along the Western Frontiers of the Communes of Montjois-la-Montagne and Roncourt,

[1] French version in *State Papers*, vol. lxii, p. 59; Hertslet, vol. iii, No. 438.

as well as the Eastern Frontiers of the Communes of Marie-aux-Chênes, St. Ail, Habonville, reaches the Frontier of the Canton de Gooze, which it crosses along the Communal Frontiers of Vionville, Bouxières, and Onville, follows the South-west Frontier, south of the District of Metz, the Western Frontier of the District of Chateau-Salins, as far as the Commune of Pettoncourt, taking in the Western and Southern Frontiers thereof to follow the Crest of the Mountains between Seille and Moncel, as far as the Frontier of the District of Sarreburg, to the South of Garde. The demarcation afterwards coincides with the Frontier of that District as far as the Commune of Tanconville, reaching the Frontier to the North thereof, from thence it follows the Crest of the Mountains between the Sources of the White Sarre and Vezouze, as far as the Frontier of the Canton of Schirmeck, skirts the Western Frontier of that Canton, includes the Communes of Saales, Bourg-Bruche, Colroy-la-Roche, Plaine, Ranrupt, Saulxures, and St. Blaise-la-Roche of the Canton of Saales, and coincides with the Western Frontier of the Departments of the Lower Rhine and the Upper Rhine as far as the Canton of Belfort, the Southern Frontier of which it leaves not far from Vourvenans, to cross the Canton of Delle at the Southern Limits of the Communes of Bourogne and Froide Fontaine, and to reach the Swiss Frontier skirting the Eastern Frontiers of the Communes of Jonchery and Delle.

The German Empire shall possess these Territories in perpetuity in all Sovereignty and Property. An International Commission, composed of an equal number of Representatives of the two High Contracting Parties, shall be appointed immediately after the exchange of the Ratifications of the present Treaty, to trace on the spot the new Frontier, in conformity with the preceding stipulations.

This Commission shall preside over the Division of the Lands and Funds, which have hitherto belonged to Districts or Communes divided by the new Frontiers; in case of disagreement in the tracing and the measures of execution, the Members of the Commission shall refer to their respective Governments.

The Frontier, such as it has just been described, is marked in green on two identic copies of the Map of the Territory forming the Government of Alsace, published at Berlin in

September 1870, by the Geographical and Statistical Division of the Staff, and a copy of which shall be annexed to both copies of the present Treaty.

Nevertheless, the alteration of the above tracing has been agreed to by the two Contracting Parties. In the former Department of the Moselle, the Villages of Marie-aux-Chênes near St. Privat-la-Montagne, and Vionville to the west of Rezonville, shall be ceded to Germany. In exchange thereof, France shall retain the Town and Fortifications of Belfort, with a Radius which shall be hereafter determined upon.

ARTICLE II. France shall pay to His Majesty the Emperor of Germany the sum of 5,000,000,000 Francs (5 milliards).

The Payment of at least 1,000,000,000 (one milliard) Francs shall be effected within the year 1871, and the whole of the remainder of the Debt in the space of 3 years, dating from the Ratification of the present Treaty.

ARTICLE III. The Evacuation of the French Territory occupied by German Troops shall begin after the Ratification of the present Treaty by the National Assembly sitting at Bordeaux. Immediately after that Ratification, the German Troops shall quit the interior of Paris, as well as the Forts on the Left Bank of the Seine, and within the shortest possible delay agreed upon between the military authorities of the two Countries, they shall entirely evacuate the Departments of Calvados, Orne, Sarthe, Eure-et-Loire, Loiret, Loire-et-Cher, Indre-et-Loire, Yonne, and also the Departments of the Seine Inférieure, Eure, Seine-et-Oise, Seine-et-Marne, Aube, and Côte d'Or, as far as the Left Bank of the Seine. The French troops shall fall back at the same time behind the Loire, which they shall not be allowed to pass before the signature of the Definitive Treaty of Peace. The Garrison of Paris is excepted from this disposition, the number of which shall not exceed 40,000 men, and the Garrisons indispensably necessary for the safety of the strongholds.

The Evacuation of the Departments between the Right Bank of the Seine and the Eastern Frontier by German Troops shall take place gradually after the Ratification of the Definitive Treaty of Peace and the payment of the first 500,000,000 (half milliard) of the contribution stipulated by Article II, beginning with the Departments nearest

to Paris, and shall continue gradually, according to the proportion of the Payments made on account of the Contribution; after the first Payment of a 500,000,000 (half milliard) that Evacuation shall take place in the following Departments: Somme, Oise, and the parts of the Departments of the Seine Inférieure, Seine-et-Oise, Seine-et-Marne, situated on the Right Bank of the Seine, as well as the part of the Department of the Seine, and the Forts situated on the Right Bank.

After the payment of 2,000,000,000 (two milliards), the German occupation shall only include the Departments of the Marne, Ardennes, Haute Marne, Meuse, Vosges, Meurthe, as well as the Fortress of Belfort, with its Territory, which shall serve as a pledge for the remaining 3,000,000,000 (3 milliards), and in which the number of the German Troops shall not exceed 50,000 men. His Majesty the Emperor will be willing to substitute for the Territorial Guarantee, consisting in the partial occupation of the French Territory, a Financial Guarantee, should it be offered by the French Government under conditions considered sufficient by His Majesty the Emperor and King for the interests of Germany. The 3,000,000,000 (3 milliards), the payment of which shall have been deferred, shall bear Interest at the rate of 5 per cent., beginning from the Ratification of the present Convention.

Article IV. The German Troops shall abstain from levying contributions either in money or in kind in the occupied Departments. On the other hand, the maintenance of the German Troops remaining in France shall be at the expense of the French Government in the manner decided upon by an Agreement with the German Military Administration.

Article V. The interests of the Inhabitants of the Territories ceded by France, in everything relating to their Commerce and their Civil Rights shall be regulated in as favourable a manner as possible when the conditions of the Definitive Peace are settled. A certain time will be fixed, during which they will enjoy particular advantages for the disposal of their produce. The German Government will put no obstacle in the way of Free Emigration by the Inhabitants from the ceded Territories, and shall take no steps against them affecting their Persons or their Property.

Article VI. The Prisoners of War who shall not have

been already set at liberty by exchange shall be given up immediately after the Ratification of the present Preliminaries. In order to accelerate the transport of French Prisoners, the French Government shall place at the disposal of the German Authorities in the interior of the German Territory a part of the rolling-stock of its Railways in such proportion as shall be determined by special arrangements, and at prices paid in France by the French Government for military transport.

ARTICLE VII. The opening of negotiations for the Definitive Treaty of Peace to be concluded on the Basis of the present Preliminaries shall take place at Brussels, immediately after the Ratification of the latter by the National Assembly and by His Majesty the Emperor of Germany.

ARTICLE VIII. After the conclusion and the Ratification of the Definitive Treaty of Peace, the Administration of the Departments which are still to remain occupied by the German Troops shall be made over to the French authorities. But the latter shall be bound to conform to the orders which the Commanders of the German troops may think necessary to give in the interests of the safety, maintenance, and distribution of the Troops.

After the Ratification of the present Treaty, the Taxes in the occupied Departments shall be levied on account of the French Government, and by its own Officers.

ARTICLE IX. It is well understood that these stipulations do not give to the German Military Authority any right over the parts of Territory which it does not actually occupy.

ARTICLE X. The present Preliminary Treaty shall be immediately submitted to the Ratification of His Majesty the Emperor of Germany and to the French National Assembly sitting at Bordeaux.

In testimony whereof the Undersigned have signed the present Preliminary Treaty, and sealed it with the Seal of their Arms.

Done at Versailles, 26th February, 1871.

(L.S.) BISMARCK. (L.S.) A. THIERS.
(L.S.) JULES FAVRE.

ACCESSION OF BADEN, BAVARIA, AND WURTEMBERG.

The Kingdoms of Bavaria and Wurtemberg, and the Grand Duchy of Baden, having taken part in the actual War as Allies of Prussia, and now forming part of the Germanic Empire, the Undersigned adhere to the present Convention in the name of their respective Sovereigns.

Versailles, 26th February, 1871.

CTE. DE BRAY-STEINBURG. MITTNACHT.
BN. DE WACHTER. JOLLY.

DEFINITIVE TREATY OF PEACE BETWEEN FRANCE AND GERMANY. SIGNED AT FRANKFORT, 10TH MAY, 1871.[1]

ARTICLE I. The distance between the Town of Belfort and the Line of Frontier, such as it had been proposed during the negotiations of Versailles, and such as it is marked on the Map annexed to the Ratifications of the Preliminaries of the 26th February, is considered as describing the Radius which, by virtue of the Clause relating thereto in Article I of the Preliminaries, is to remain to France with the Town and Fortifications of Belfort.

The German Government is disposed to extend that Radius so as to include the Cantons of Belfort, Delle, and Giromagny, as well as the western part of the Canton of Fontaine, to the West of a line to be traced from the spot where the Canal from the Rhone to the Rhine leaves the Canton of Delle to the South of Montreux-Château, to the Northern Limits of the Canton between Bourg and Félon where that Line would join the Eastern Limit of the Canton of Giromagny.

The German Government will, nevertheless, not cede the above Territories unless the French Republic agrees, on its part, to a rectification of Frontier along the Western Limits of the Cantons of Cattenom and Thionville which will give to Germany the Territory to the East of a Line starting from the Frontier of Luxemburg between Hussigny and Redingen, leaving to France the Villages of Thil and Villerupt, extending between Erronville and Aumetz between Beuvillers and Boulange, between Trieux and

[1] French version in *State Papers*, vol. lxii, pp. 77, 83. Hertslet, vol. iii, No. 446.

Lomeringen, and joining the ancient Line of Frontier between Avril and Moyeuvre.

The International Commission, mentioned in Article I of the Preliminaries, shall proceed to the spot immediately after the Ratifications of the present Treaty to execute the Works entrusted to them and to trace the new Frontier, in accordance with the preceding dispositions.

ARTICLE II. French Subjects, Natives of the ceded Territories, actually domiciled on that Territory, who shall preserve their Nationality, shall up to the 1st October, 1872, and on their making a previous Declaration to that effect to the Competent Authority, be allowed to change their domicile into France and to remain there, that right in nowise infringing on the Laws on Military Service, in which case the title of French Citizen shall be maintained.

They shall be at liberty to preserve their Immovables situated in the Territory united to Germany.

No Inhabitant of the ceded Territory shall be prosecuted, annoyed, or sought for, either in his person or his property, on account of his Political or Military Acts previous to the War.

ARTICLE III. The French Government shall deliver over to the German Government the Archives, Documents, and Registers relating to the Civil, Military, and Judicial Administration of the ceded Territories. Should any of the Documents be found missing, they shall be restored by the French Government on the demand of the German Government.

ARTICLE IV. The French Government shall make over to the Government of the Empire of Germany within the term of 6 Months dating from the exchange of the Ratifications of this Treaty: 1. The amount of the sum deposited by the Departments, Communes, and Public Establishments of the ceded Territories. 2. The amount of the premium of Enlistment and Discharge belonging to Soldiers and Sailors natives of the ceded Territory who shall have chosen the German Nationality. 3. The Amount of Security of responsible Agents of the State. 4. The Amount of Sums deposited for Judicial Consignments on account of measures taken by the Administrative or Judicial Authorities in the ceded Territories.

ARTICLE V. The two Nations shall enjoy equal privileges as far as regards the Navigation on the Moselle, the Canal

of the Marne to the Rhine, the Canal of the Rhone to the Rhine, the Canal of the Sarre and the Navigable Waters communicating with those channels of Navigation. The Right of Floatage shall be maintained.

ARTICLE VI. The High Contracting Parties being of opinion that the Diocesan circumscriptions of the Territories ceded to the German Empire must agree with the new Frontier determined upon by Article I above, will consider, without delay, after the Ratification of the present Treaty, upon the measures to be taken in common on the subject.

The Communities belonging either to the Reformed Church or to the Augsburg Confession, established on the Territories ceded by France, shall cease to be under French Ecclesiastical Authority.

The Communities of the Church of the Augsburg Confession established in the French Territories shall cease to be under the Superior Consistories and of the Directors residing at Strasburg.

The Jewish Communities of the Territories situated to the East of the new Frontier shall cease to depend on the Central Jewish Consistory residing at Paris.

ARTICLE VII. The payment of 500,000,000 ($\frac{1}{2}$ milliard) shall be made within 30 days after the re-establishment of the Authority of the French Government in the City of Paris. 1,000,000,000 (1 milliard) shall be paid in the course of the year, and 500,000,000 ($\frac{1}{2}$ milliard) on the 1st May, 1872. The last 3,000,000,000 (3 milliards) shall remain payable on the 2nd March, 1874, as stipulated in the Preliminary Treaty. From the 2nd March of the present year the Interest on those 3,000,000,000 francs (3 milliards) shall be paid each year on the 3rd March, at the rate of 5 per cent. per annum.

All sums paid in advance on the last 3,000,000,000 shall cease to bear Interest from the day on which the payment is made.

The payment can only be made in the principal German Commercial Towns, and shall be made in metal, Gold or Silver, in Notes of the Bank of England, in Prussian Bank Notes, in Netherlands Bank Notes, in Notes of the National Bank of Belgium, in first class Negotiable Bills to Order or Letters of Exchange, payable at sight.

The German Government having fixed in France the

value of a Prussian Thaler at 3 francs 75 centimes, the French Government accepts the conversion of the Moneys of both Countries at the rate above stated.

The French Government will inform the German Government, 3 months in advance, of all payments which it intends to make into the Treasury of the German Empire.

After the payment of the first 500,000,000 ($\frac{1}{2}$ milliard) and the Ratification of the Definitive Treaty of Peace, the Departments of the Somme, Seine Inférieure, and Eure shall be evacuated in so far as they shall be found to be still occupied by German Troops. The Evacuation of the Departments of the Oise, Seine-et-Oise, Seine-et-Marne, and Seine, as well as the Forts of Paris, shall take place so soon as the German Government shall consider the re-establishment of Order, both in France and Paris, sufficient to ensure the execution of the Engagements contracted by France.

Under all circumstances, the Evacuation shall take place after the payment of the third 500,000,000 ($\frac{1}{2}$ milliard).

The German Troops, for their own security, shall have at their disposal the Neutral Zone between the German line of Demarcation and the Paris enclosure on the Right Bank of the Seine.

The stipulations of the Treaty of 26th February relative to the occupation of French Territories after the payment of the 2,000,000,000 (2 milliards), shall remain in force. None of the deductions which the French Government might have a right to make shall be made on the payment of the first 500,000,000 ($\frac{1}{2}$ milliard).

Article VIII. German Troops shall continue to abstain from levying contributions either in kind or money in the occupied Territories; that obligation on their part being correlative to the obligations contracted for their maintenance by the French Government, in case the French Government, notwithstanding the reiterated demands of the German Government, was behindhand in the execution of the said obligations, the German Troops will have the right to procure what is necessary to their wants by levying Taxes and Contributions in the occupied Departments, and even outside of them, should their resources not be sufficient.

With reference to the Maintenance of the German Troops,

the system actually in force shall be continued until the Evacuation of the Paris Forts.

In virtue of the Convention of Ferrières, of 11th March, 1871, the reductions pointed out by that Convention shall be put into force after the Evacuation of the Forts.[1]

As soon as the effective of the German Army shall be reduced below the number of 500,000 men, account shall be taken of the reductions made below that number to establish a proportionate diminution in the price of the Maintenance of the Troops paid by the French Government.

ARTICLE IX. The exceptional Treatment at present granted to the Produce of the Industry of the ceded Territories for Imports into France, shall be continued for 6 months, from the 1st March, under the conditions made with the Commissioners of Alsace.

ARTICLE X. The German Government shall continue to deliver up Prisoners of War, making arrangements with the French Government. The French Government shall send to their homes such of the Prisoners as can be discharged. As for those who shall not have completed their term of service, they shall be sent beyond the Loire. It is understood that the Army of Paris and Versailles, after the re-establishment of the authority of the French Government at Paris, and until the Evacuation of the Forts by German Troops, shall not exceed 80,000 men. Until that Evacuation, the French Government shall not concentrate Troops on the Right Bank of the Loire, but it shall provide Garrisons in the Towns within that circuit, according to the necessities for the maintenance of Public Order and Peace.

As the Evacuation shall proceed, the Commanders of Regiments shall agree together as to a Neutral Circuit between the Armies of the two Nations.

20,000 Prisoners shall be sent without delay to Lyons on condition that they are immediately sent to Algiers, after their organization, to be employed in that Colony.

ARTICLE XI. The Treaties of Commerce with the different States of Germany having been annulled by the War, the French Government and the German Government will adopt as the basis of their Commercial Relations

[1] Convention for the execution of the Preliminaries of Peace: *State Papers*, vol. lxii, p. 65.

the system of reciprocal Treatment on the footing of the Most favoured Nation.

Are included therein Import and Export Duties, Transit Dues, Customs Formalities, the admission and treatment of both Nations as well as their Agents.

Shall nevertheless be excepted from the above Rule the favours which one of the Contracting Parties has granted or may grant, by Treaties of Commerce, to other States than the following : Great Britain, Belgium, Netherlands, Switzerland, Austria, Russia.

The Treaties of Navigation as well as the Convention relative to the International Service of Railways in its relation with the Customs, and the Convention for the reciprocal Guarantee of Literary and Artistic Works, shall be renewed.

The French Government nevertheless reserves to itself the right of levying Tonnage and Shipping Duties (*Droit de Pavillon*) on German Vessels and their Cargoes, under the reservation that those Duties shall not be higher than those imposed on Vessels and Cargoes of the above-mentioned Nations.

Article XII. All expelled Germans shall preserve the full and entire enjoyment of all Property which they may have acquired in France.

Such Germans who had obtained the authority required by French Laws to establish their Domicile in France shall be reinstated in all their Rights, and may consequently again establish their Domicile in French Territory.

The delay stipulated by French Laws to obtain Naturalisation shall be considered as not having been interrupted by the state of War for persons who shall take advantage of the above-mentioned facility of returning to France within 6 months after the exchange of the Ratifications of this Treaty, and the time which has elapsed between their expulsion and their return to the French Territory shall be taken into account, as if they had never ceased to reside in France.

The above conditions shall be applicable in perfect reciprocity to the French Subjects residing, or wishing to reside, in Germany.

Article XIII. German Vessels condemned by Prize Courts before the 2nd March, 1871, shall be considered as definitively condemned.

Those not condemned at the above-mentioned date shall be restored with their Cargo in so far as it still exists. If the restoration of the Vessels and Cargo is no more possible, their value, fixed according to the price of the sale, shall be restored to their Owners.

Article XIV. Each of the two Parties shall continue on his Territory the Works undertaken for the Canalisation of the Moselle. The Common Interests of the separate parts of the two Departments of the Meurthe and the Moselle shall be liquidated.

Article XV. The High Contracting Parties mutually engage to extend to their respective Subjects the measures which they may consider necessary to adopt in favour of those of their Subjects who, in consequence of the events of the War, may have been prevented arriving in time for the safety or the preservation of their Rights.

Article XVI. The two Governments, French and German, reciprocally engage to respect and preserve the Tombs of Soldiers buried in their respective Territories.

Article XVII. The Regulation of additional Stipulations upon which an understanding is to be come to in consequence of this Treaty and the Preliminary Treaty, will be the object of further Negotiations which shall take place at Frankfort.

Article XVIII. The Ratification of the present Treaty by the National Assembly and by the Chief of the Executive of the French Republic, on the one part, and on the other by the Emperor of Germany, shall be exchanged at Frankfort, in the delay of 10 days, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed it and affixed thereto the Seal of their Arms.

Done at Frankfort, 10th May, 1871.

(L.S.) JULES FAVRE. (L.S.) BISMARCK.
(L.S.) POUYER-QUERTIER. (L.S.) ARNIM.
(L.S.) DE GOULARD.

Additional Articles.[1]

Article I. § 1. From this date until the date fixed for the exchange of the Ratifications of the present Treaty the French Government shall exercise its right of redemp-

[1] Translated from the French as given in *State Papers*, vol. lxii, pp. 83, 84.

tion of the Concession granted to the Eastern Railway Company (Compagnie des Chemins de Fer de l'Est). The German Government shall be surrogated in respect of all the rights which the French Government shall have acquired by the repurchase of the concessions so far as they concern the railways situated within the ceded territories whether completed or in course of construction.

§ 2. The following shall be included in this concession :

1. All the lands belonging to the said company, whatever shall be their purpose, such as establishments for a terminus, for stations, sheds, workshops and store houses, houses of keepers of the line, &c.

2. All immovables connected with them, such as gates, fences, points, turntables, water-tanks, hydraulic cranes, stationary engines, &c.

3. All materials, combustibles and supplies of all kinds, furniture of stations, tools of work-shops and stations, &c.

4. Sums of money due to the Eastern Railway Company by way of subsidy granted by corporations or persons domiciled within the ceded territories.

§ 3. Rolling-stock is excluded from this concession. The German Government will give up to the French Government that part of the rolling-stock, with its accessories which shall be found in its possession.

§ 4. The French Government undertakes as towards the German Empire, entirely to exempt the ceded railways and their dependances from all rights claimed by third parties, and particularly those of the Bondholders (*Obligataires*).

It undertakes equally, should the case arise, to take the place of the German Government in the matter of any claims which may be brought against that Government by any creditors of the railways in question.

§ 5. The French Government will make itself liable for any claims of the Eastern Railway Company preferred against the German Government or its Agents on account of the working of the said railways and for the use of the objects indicated in the above § 2 and of the rolling-stock. The German Government will communicate to the French Government, on its demand, all the documents and all the information which may serve to establish the facts upon which the above-mentioned claims may be founded.

§ 6. The German Government will pay to the French

Government for the cession of the proprietary rights indicated in §§ 1 and 2, and as an equivalent for the engagement taken by the French Government in § 4, the sum of 325,000,000 francs.

This sum shall be deducted from the war indemnity stipulated for in Article VII. Seeing that the circumstances which constituted the basis for the Convention concluded between the Company of the Eastern Railways and the Royal Grand Ducal Society of the Guillaume-Luxembourg Railways dated June 6, 1857 and January 21, 1868, and that concluded between the Government of the Grand Duchy of Luxembourg and the Societies of the Guillaume-Luxembourg and the French Eastern Railways of December 5, 1868, have been essentially modified to an extent that they are not applicable to the state of things created by the stipulations contained in § 1, the German Government declares itself ready to take over the rights and liabilities resulting from these Conventions from the Company of the Eastern Railways.

In case the French Government should acquire (*serait subrogé*), either by the repurchase of the Concession of the Eastern Railways Company, or as a consequence of a special understanding, the rights of that Company in virtue of the above-mentioned Conventions, it undertakes to cede those rights to the German Government gratuitously within the period of six weeks.

In case the above-mentioned acquisition should not be effected, the French Government will only grant concessions in respect of the lines of railway belonging to the Eastern Company and situated within French territory, on the express condition that the holder of the Concessions shall not work the railway lines situated in the Grand Duchy of Luxembourg.

ARTICLE II. The German Government offers 2,000,000 francs for the rights and properties possessed by the Company of the Eastern Railways on that portion of its system situated on Swiss territory from the frontier at Bâle, provided that the French Government signifies its consent within a period of one month.

ARTICLE III. The Cession of Territory near Belfort, offered by the German Government in Article I of the present Treaty in exchange for the rectification of the frontier required to the West of Thionville, shall be increased by the

Territories of the following Villages: Rougemont, Leval, Petite-Fontaine, Romagny, Félon, La-Chapelle-sous-Rougemont, Angeot, Vauthier-Mont, Rivière, Grasige, Reppe, Fontaine, Frais, Foussemagne, Cunelières, Montreux-Château, Brelagne, Chavannes-les-Grands, Chavanatte, and Suarce.

The Giromagny and Remiremont Road, thoroughfare to the Balloon of Alsace, shall remain to France throughout its whole extent, and shall serve as a Limit in so far as it is situated outside the Canton of Giromagny.

Done at Frankfort, 10th May, 1871.

(L.S.) JULES FAVRE. (L.S.) BISMARCK.
(L.S.) POUYER-QUERTIER. (L.S.) ARNIM.
(L.S.) DE GOULARD.

CONSTITUTION OF THE GERMAN EMPIRE. BERLIN, 16TH APRIL, 1871.[1]

(Translation.)

His Majesty the King of Prussia in the name of the North German Confederation, His Majesty the King of Bavaria, His Majesty the King of Wurtemberg, His Royal Highness the Grand Duke of Baden, and His Royal Highness the Grand Duke of Hesse and by Rhine,[2] for those parts of the Grand Duchy of Hesse which are south of the river Main, conclude an everlasting Confederation for the protection of the Territory of the Confederation and the rights thereof, as well as to care for the welfare of the German people. This Confederation will bear the name 'German Empire', and is to have the following

CONSTITUTION.

I. *Territory of the Confederation.*

ARTICLE I. The Territory of the Confederation is comprised of the States of Prussia with Lauenburg, Bavaria, Saxony, Wurtemberg, Baden, Hesse, Mecklenburg-Schwerin, Saxe-Weimar, Mecklenburg-Strelitz, Oldenburg, Brunswick, Saxe-Meiningen, Saxe-Altenburg, Saxe-Coburg-Gotha, Anhalt, Schwarzburg-Rudolstadt, Schwarzburg-Sondershausen, Waldeck, Reuss Elder Line, Reuss Younger Line, Schaumburg-Lippe, Lippe, Lubeck, Bremen, and Hamburg.

[1] From a translation in *State Papers*, vol. lxi, p. 58.
[2] *Grand Duc de Hesse et du Rhin.*

II. *Legislature of the Empire.*

ARTICLE II. Within this Confederate Territory the Empire exercises the right of legislation according to the tenor of this Constitution, and with the effect that the Imperial laws take precedence of the laws of the States. The Imperial laws receive their binding power by their publication in the name of the Empire, which takes place by means of an Imperial Law Gazette. If the date of its first coming into force is not otherwise fixed in the published law, it comes into force on the 14th day after the close of the day on which the part of the Imperial Law Gazette which contains it is published at Berlin.

ARTICLE III. For entire Germany one common nationality exists with the effect, that every person (subject, State-citizen) belonging to any one of the Confederated States is to be treated in every other of the Confederated States as a born native, and accordingly must be permitted to have a fixed dwelling, to trade, to be appointed to public offices, to acquire real estate property, to obtain the rights of a State-citizen, and to enjoy all other civil rights under the same presuppositions as the natives, and likewise is to be treated equally with regard to legal prosecution or legal protection.

No German may be restricted from the exercise of this right by the authorities of his own State or by the authorities of any of the other Confederated States.

Those regulations which have reference to the care of the poor, and their admission into local parishes are not affected by the principles set down in the first paragraph.

Until further notice the Treaties likewise remain in force which have been entered into by the particular States of the Confederation regarding the reception of persons expelled, the care of sick persons, and the burial of deceased persons belonging to the States.

What is needful for the fulfilment of military duty in regard to the native country will be ordered by the way of Imperial legislation.

Every German has the same claim to the protection of the Empire with regard to foreign nations.

ARTICLE IV. The following affairs are subject to the superintendence and legislation of the Empire :

1. The regulations as to freedom of translocation,

domicile, and settlement affairs, right of citizenship, passport and police regulations for strangers, and as to transacting business including insurance affairs, in so far as these objects are not already provided for by Article III of this Constitution. In Bavaria, however, the domicile and settlement affairs, and likewise the affairs of colonization and emigration to foreign countries are herefrom excluded ;

2. The customs and commercial legislation, and the taxes which are to be applied to the requirements of the Empire ;

3. The regulation of the system of the coinage, weights, and measures, likewise the establishment of the principles for the issue of funded and unfunded paper money ;

4. The general regulations as to banking ;

5. The granting of patents for inventions ;

6. The protection of intellectual property ;

7. The organization of the common protection of German commerce in foreign countries, of German vessels and their flags at sea, and the arrangement of a common Consular representation, which is to be salaried by the Empire ;

8. Railway affairs,—excepting in Bavaria the arrangements in Article XLVI,—and the construction of land and water communications for the defence of the country and for the general intercourse ;

9. The rafting and navigation affairs on waterways belonging in common to several of the States, and the condition of the waterways, and likewise the river or other water dues ;

10. Postal and telegraph affairs ; in Bavaria and Wurtemberg, however, only with reference to the provisions of Article LII ;

11. Regulations as to the reciprocal execution of judgments in civil affairs and the settlement of requisitions in general ;

12. Likewise as to the verification of public documents ;

13. The general legislation as to obligatory rights, penal law, commercial and bill-of-exchange laws, and judicial procedure ;

14. The military and naval affairs of the Empire ;

15. The measures of medicinal and veterinary police ;

16. The regulations for the press and for union societies.

ARTICLE V. The Legislation of the Empire is carried on by the council of the Confederation and the Imperial Diet.

The accordance of the majority of votes in both Assemblies is necessary and sufficient for a law of the Empire.

In projects of law on military affairs, on naval affairs, and on the taxes mentioned in Article XXXV, the President has the casting vote in cases where there is a difference of opinion, if his vote is in favour of the maintenance of the existing arrangements.

III. *Council of the Confederation.*

ARTICLE VI. The Council of the Confederation consists of the Representatives of the Members of the Confederation, amongst which the votes are divided in such a manner that Prussia has, with the former votes of Hanover, Electoral Hesse, Holstein, Nassau, and Frankfort,

	17 votes.
Bavaria	6 ,,
Saxony	4 ,,
Wurtemberg	4 ,,
Baden	3 ,,
Hesse	3 ,,
Mecklenburg-Schwerin	2 ,,
Saxe-Weimar	1 ,,
Mecklenburg-Strelitz	1 ,,
Oldenburg	1 ,,
Brunswick	2 ,,
Saxe-Meiningen	1 ,,
Saxe-Altenburg	1 ,,
Saxe-Coburg-Gotha	1 ,,
Anhalt	1 ,,
Schwarzburg-Rudolstadt	1 ,,
Schwarzburg-Sondershausen	1 ,,
Waldeck	1 ,,
Reuss Elder Line	1 ,,
Reuss Younger Line	1 ,,
Schaumburg-Lippe	1 ,,
Lippe	1 ,,
Lubeck	1 ,,
Bremen	1 ,,
Hamburg	1 ,,
Total	58 votes.

Each member of the Confederation can nominate as many Plenipotentiaries to the Council of the Confederation as it has votes; but the totality of such votes can only be given in one sense.

ARTICLE VII. The Council of the Confederation determines:

1. What Bills are to be brought before the Imperial Diet, and on the resolutions passed by the same;

2. As to the administrative measures and arrangements necessary for the general execution of the Imperial Legislation, in so far as no other Imperial law has decreed to the contrary;

3. As to defects which have made themselves manifest in the execution of the Imperial laws or the above-mentioned measures and arrangements.

Every member of the Confederation has the right to propose Bills and to recommend them, and the Presidency is bound to bring them under debate.

The decisions take place by simple majority, with the reservation of the stipulations in the Articles V, XXXVII, and LXXVIII. Non-represented votes, or votes without instructions, are not counted. In equal divisions the Presidential is the casting vote.

In decisions upon affairs, wherein, according to the rules of this Constitution, the whole Empire has not a common interest, only the votes of those Confederated States are counted which are interested in common.

ARTICLE VIII. The Council of the Confederation forms permanent Committees from its own members;

1. For the land army and fortresses.
2. For naval affairs.
3. For customs and taxes.
4. For commerce and intercourse.
5. For railways, post, and telegraphs.
6. For affairs of justice.
7. For finances.

In each of these Committees, besides the Presidency, at least 4 of the Confederated States will be represented, and in the same each State only has one vote. In the Committee for the land army and fortresses, Bavaria has a perpetual seat, the other members thereof, as well as the members for the Naval Committee, are nominated by the Emperor; the members of the other Committees are elected by the

Council of the Confederation. The composition of these Committees is to be renewed for every session of the Council of the Confederation or respectively every year, when the outgoing members may be re-elected.

Besides these in the Council of the Confederation a Committee for Foreign Affairs will be formed, comprised of the Representatives of the Kingdoms of Bavaria, Saxony, and Wurtemberg, and of two other Representatives of other Confederated States, who will be yearly elected by the Council of the Confederation, in which Committee Bavaria will occupy the chair.

The necessary officials will be placed at the disposal of these Committees.

ARTICLE IX. Every member of the Council of the Confederation has the right to appear in the Imperial Diet, and must at his desire at all times be heard, in order to represent the views of his Government, even when these views have not been adopted by the majority of the Council of the Confederation. No one may at the same time be a member of the Council of the Confederation and of the Imperial Diet.

ARTICLE X. The Emperor is bound to afford the usual diplomatic protection to the members of the Council of the Confederation.

IV. *The Presidency.*

ARTICLE XI. The Presidency of the Confederation belongs to the King of Prussia, who bears the name of German Emperor. The Emperor has to represent the Empire internationally, to declare war, and to conclude peace in the name of the Empire, to enter into alliances and other Treaties with Foreign Powers, to accredit and to receive Ambassadors.

The consent of the Council of the Confederation is necessary for the declaration of war in the name of the Empire, unless an attack on the territory or the coast of the Confederation has taken place.

In so far as Treaties with Foreign States have reference to affairs which, according to Article IV, belong to the jurisdiction of the Imperial Legislation, the consent of the Council of the Confederation is requisite for their conclusion, and the sanction of the Imperial Diet for their coming into force.

ARTICLE XII. The Emperor has the right to summon, to open, to prorogue, and to close both the Council of the Confederation and the Imperial Diet.

ARTICLE XIII. The summoning of the Council of the Confederation, and of the Imperial Diet, takes place once each year, and the Council of the Confederation can be called together for preparation of business without the Imperial Diet being likewise summoned, whereas the latter cannot be summoned without the Council of the Confederation.

ARTICLE XIV. The Council of the Confederation must be summoned whenever one-third of the votes require it.

ARTICLE XV. The presidency in the Council of the Confederation and the direction of the business belongs to the Chancellor of the Empire, who is to be appointed by the Emperor.

The Chancellor of the Empire can be represented, on his giving written information thereof, by any other member of the Council of the Confederation.

ARTICLE XVI. The requisite motions, in accordance with the votes of the Council of the Confederation will be brought before the Imperial Diet in the name of the Emperor, where they will be supported by members of the Council of the Confederation, or by particular Commissioners nominated by the latter.

ARTICLE XVII. The expedition and proclamation of the laws of the Empire, and the care of their execution, belongs to the Emperor. The Orders and Decrees of the Emperor are issued in the name of the Empire and require for their validity the counter-signature of the Chancellor of the Empire, who thereby undertakes the responsibility.

ARTICLE XVIII. The Emperor nominates the Imperial officials, causes them to be sworn for the Empire, and, when necessary, decrees their dismissal.

The officials of any State of the Confederation, when appointed to any Imperial office, are entitled to the same rights with respect to the Empire, as they would enjoy from their official position in their own country, excepting in such cases as have otherwise been provided for by the Imperial Legislation before their entrance into the Imperial service.

ARTICLE XIX. Whenever members of the Confederation do not fulfil their Constitutional duties towards the Con-

federation, they may be constrained to do so by way of execution. Such execution must be decreed by the Council of the Confederation, and be carried out by the Emperor.

V. *Imperial Diet.*

ARTICLE XX. The Imperial Diet is elected by universal and direct election with secret votes.

Until the legal arrangement reserved in § 5 of the Election Laws of 31st May, 1869 (*Federal Law Gazette*, 1869, page 145), has been made, there are to be elected—in Bavaria, 48; in Wurtemberg, 17; in Baden, 14; Hesse, south of the Main, 6 members, and the total number of the members consists, therefore, of 382.

ARTICLE XXI. Officials do not require any leave of absence on entering into the Imperial Diet.

If any member of the Imperial Diet accepts of any salaried appointment of the Empire, or of any State of the Confederation, or enters into any Imperial or State office to which a higher rank, or higher salary is attached, he loses his seat and service in the Diet, and can only regain his position in the same by re-election.

ARTICLE XXII. The proceedings of the Imperial Diet are public.

Accurate reports of the proceedings in the public sittings of the Imperial Diet are free from any responsibility.

ARTICLE XXIII. The Imperial Diet has the right to propose laws within the competency of the Empire, and to forward Petitions which have been addressed to it to the Council of the Confederation, or to the Chancellor of the Empire.

ARTICLE XXIV. The Legislative Period of the Imperial Diet is 3 years. For a Dissolution of the Imperial Diet within this time, a Resolution of the Council of the Confederation, with the Assent of the Emperor, is requisite.

ARTICLE XXV. In case of a Dissolution of the Imperial Diet, the Meeting of the Electors must be called within a period of 60 days after such dissolution, and within a period of 90 days the Imperial Diet must be summoned.

ARTICLE XXVI. Without the assent of the Imperial Diet the Prorogation of the same may not be extended over 30 days, and it can never be repeated during the same session.

ARTICLE XXVII. The Imperial Diet scrutinizes the legality of the credentials of its Members, and decides thereon. It regulates its own method of business and discipline by a business-order, and elects its President, Vice-Presidents, and Secretaries.

ARTICLE XXVIII. The Imperial Diet decides by absolute Majority of Votes. The presence of a majority of the legal number of the members is necessary for the validity of a resolution.

In Voting on a matter which, according to the stipulations of this Constitution, is not common to the whole Empire, only the votes of those members will be counted who have been elected in those Confederate States to which the matter is common.

ARTICLE XXIX. The Members of the Imperial Diet are Representatives of the entire people, and are not bound by orders and instructions.

ARTICLE XXX. No Member of the Imperial Diet can at any time be proceeded against, either judicially or by way of discipline, on account of his votes, or for expressions made use of in the exercise of his functions, nor can he be made responsible in any other way out of the Assembly.

ARTICLE XXXI. Without the assent of the Imperial Diet, no Member of the same may be placed under examination or arrested during the period of the Session for any deed subject to punishment, except when taken in the fact, or in the course of the following day.

The same assent is needful in arrest for debt.

At the requisition of the Imperial Diet, every correctional procedure against a Member of the same, and all investigations or civil arrests must be relinquished for the duration of the period of the Session.

ARTICLE XXXII. The Members of the Imperial Diet must not receive any Salary or Indemnification in that capacity.

VI. *Customs and Commercial Affairs.*

ARTICLE XXXIII. Germany forms one Customs and Commercial Territory, encircled by a common Customs frontier. Those separate parts of Territory are excluded which, from their position, are not adapted for inclusion in the Customs frontier.

All articles of free trade in any one of the States of the

Confederation may be introduced into any other State of the Confederation, and can only be subjected to a duty in the latter in so far as similar articles produced in that State are subject to a home duty.

ARTICLE XXXIV. The Hanseatic towns Bremen and Hamburg, with so much of their own or of the adjacent Territory as may be needful for the purpose, remain as free ports outside the common Customs frontier until they apply to be admitted therein.

ARTICLE XXXV. The Empire has the sole right of Legislation in all Custom-house affairs, in the taxation of Salt and Tobacco produced in the Territories of the Confederation, Beer, and Spirit, and Sugar, and Syrup, or other home productions made from beetroot, in the reciprocal protection of consumption duties raised in the separate States of the Confederation against defraudations, as well as in such measures as the Customs Committees may find requisite for the security of the common Customs frontier.

In Bavaria, Wurtemberg, and Baden, the Taxation of the native Spirit and Beer remains for the present subject to the laws of the land. But the States of the Confederation will direct their efforts to bring about an assimilation in the taxation of these articles likewise.

ARTICLE XXXVI. The Collection and Administration of the Duties and Consumption Taxes (Article XXXV) remain in the hands of each State of the Confederation, within its own Territory, in so far as they have hitherto been so.

The Emperor watches over the observance of the legal procedure through Imperial officials, whom he attaches to the Customs or Excise offices, and to the directing authorities of the separate States, according to the advice of the Committee of the Council of the Confederation for Customs and Excise affairs.

Information given by these officials as to defects in the execution of the common legislation (Article XXXV) will be laid before the Council of the Confederation for decision.

ARTICLE XXXVII. In decisions relative to the administrative instructions and arrangements (Article XXXV) for the execution of the common legislation, the Presidency has the casting vote, when it is given for the continuance of the existing instruction or arrangement.

ARTICLE XXXVIII. The revenue from the Duties or

other Taxes mentioned in Article XXXV, the latter in so far as they are subject to the Imperial legislation, flows into the Imperial Treasury.

This revenue consists of the whole income arising from the duties and other taxes after the deduction of :

1. The tax-compensations and abatements according to the laws or the general administrative regulations.

2. The repayments for incorrect levies.

3. The expenses of collection and administration as follows :

a. For the Customs, the expenses which are requisite for the protection and the collection of the duties in that part of the frontiers situated towards foreign countries and in the border district.

b. For the Salt Tax, the expenses which are incurred for the salaries of the officials who are employed in the salt works to collect and control that tax.

c. For the Beet-sugar and Tobacco Tax, the compensation which, according to the decisions of the Council of the Confederation from time to time, has to be made to the several Federal Governments for the expenses incurred in the administration of these taxes.

d. For the other duties 15 per cent. of the total income.

The Territories situated outside the common Customs frontier pay an agreed sum towards defraying the expenses of the Empire.

Bavaria, Wurtemberg, and Baden do not participate in the income flowing into the Imperial Treasury from the taxes on spirits and beer, nor in the corresponding part of the above-mentioned agreed payment.

Article XXXIX. The Quarterly extracts which are to be made at the end of each quarter of the year by the collecting authorities of the Federal States, and the final statements to be made at the end of the year and the close of the books, on the income from duties and from consumption dues flowing into the Imperial Treasury according to Article XXXVIII, falling due during the quarter, or during the financial year, are to be collected into chief summaries, after previous examination, by the directing authorities of the Federal States, and therein each duty is to be separately shown ; these summaries are to be sent in to the Committee of the Council of the Confederation for financial affairs.

On the basis of these summaries the said Committee makes out preliminarily every 3 months the amount due from the Treasury of each State of the Confederation, to the Imperial Treasury, and communicates these amounts to the Council of the Confederation, and to the States of the Confederation; it also presents the final statement of these amounts every year, with remarks, to the Council of the Confederation. The Council of the Confederation decides on this statement.

ARTICLE XL. The stipulations in the Zollverein Treaty of 8th July, 1867, remain in force in so far as they have not been altered by the provisions of this Constitution, and so long as they are not altered in the way pointed out in Article VII, or Article LXXVIII.

VII. *Railway Affairs.*

ARTICLE XLI. Railways which are considered necessary for the defence of Germany, or for the sake of the common intercourse, may, by virtue of an Imperial law, even against the opposition of the members of the Confederation whose Territory is intersected by the Railways, but without prejudice to the prerogatives of the country, be constructed on account of the Empire, or concessions to execute the works may be granted to private contractors, with the right of expropriation.

Every existing Railway board of direction is bound to consent to the junction of newly-constructed Railways at the expense of the latter.

The legal enactments which have granted a right of denial to existing Railway undertakings against the construction of parallel or competing lines are hereby, without prejudice to rights already gained, repealed for the entire Empire. Nor can such a right of denial be ever granted again in concessions to be issued hereafter.

ARTICLE XLII. The Governments of the Confederation bind themselves to manage the German Railways as a uniform network in the interest of the common intercourse, and likewise for this purpose to have all new Railways which are to be made, constructed, and fitted up according to uniform rules.

ARTICLE XLIII. For this purpose corresponding working arrangements are to be adopted with all possible despatch,

particularly with regard to Railway Police Regulations. The Empire has likewise to take heed that the Railway Boards keep the lines at all times in such a state of repair as to ensure safety, and that they provide them with the working material necessary for the traffic.

ARTICLE XLIV. The Railway Boards are bound to introduce the necessary Passenger Trains of the proper speed for the through traffic, and for the arrangement of corresponding journeys, also the requisite trains to provide for the goods traffic ; likewise, to arrange direct expeditions for passengers and goods traffic, with permission for conveying the means of transport from one line to the other for the usual payments.

ARTICLE XLV. The Empire exercises the control over the Tariffs, and will especially operate to the end :

1. That working regulations, in conformity with each other, be introduced as soon as possible on all German railroads ;

2. That the greatest possible equalization and reduction of the tariffs shall take place, and particularly for greater distances an abatement of the tariffs for the transport of coals, coke, timber, ores, stones, salt, raw iron, manures, and similar articles, so as to be more in proportion to the necessities of agriculture and industry, and that the one pfennig tariff may be introduced as speedily as possible.

ARTICLE XLVI. In times of distress, particularly when an unusual dearth of the necessaries of life occurs, the railway boards are bound to introduce a lower special tariff for the transport of grain, meal, pulse, and potatoes, temporarily, according to the necessity, as will be determined by the Emperor on the proposal of the respective committee of the Council of the Confederation, which tariff, however, must not be lower than the lowest rate already existing for raw produce on the respective line.

The above, as well as the stipulations made in the Articles XLII to XLV, are not applicable to Bavaria.

But the Empire has the right in regard to Bavaria likewise to lay down, by way of legislation, uniform rules for the construction and fitting up of the railways which are of importance for the defence of the country.

ARTICLE XLVII. The requisitions of the authorities of the Empire relative to making use of the railways for the purpose of the defence of Germany, must be obeyed

without question by all the railway boards. In particular, the military and all materials of war are to be conveyed at equally reduced rates.

VIII. *Postal and Telegraph Affairs.*

ARTICLE XLVIII. The postal and telegraph affairs will be arranged and administered for the entire German Empire as uniform institutions for State intercourse.

The legislation of the Empire in postal and telegraphic affairs, as provided in Article IV, does not extend to those objects, the regulation of which, according to the principles which govern the North German Postal and Telegraph Administration, has been left to definite rules or administrative directions.

ARTICLE XLIX. The revenues of the postal and telegraphic service are in common for the entire Empire. The expenses will be defrayed from the common revenues. The surpluses flow into the Imperial Treasury (Section XII).

ARTICLE L. The chief direction of the postal and telegraphic administration belongs to the Emperor. The officials appointed by him have the duty and the right to take care that uniformity in the organization of the administration and in carrying on the service, as well as in the qualification of the officials, be introduced and maintained.

The issue of definitive rules and general administrative directions, as well as the sole care of the relations with other postal and telegraphic offices, belongs to the Emperor.

All the officials of the postal and telegraph administration are bound to obey the Imperial directions. This duty is to be recorded in the oath of service.

The appointment of the requisite principal officials for the administrative authorities of the post and telegraphic service in the various districts (such as directors, counsellors, chief inspectors), likewise the appointment of the officials acting as the organs of the before-mentioned functionaries, in the service of supervision, &c., in the separate districts (such as inspectors, controllers), proceeds, for the whole territory of the German Empire, from the Emperor, to whom these officials render the oath of service. Timely notice of the appointments in question, for the governmental approbation and publication, will be given to the Governments of the several States, so far as their territory is thereby concerned.

The other officials necessary for the post and telegraphic service, as well as all those required for the local or technical business, therefore the officials, &c., acting at the actual places of business, will be appointed by the respective State Governments.

Where there is no independent State post or telegraph administration, the provisions of the special Treaties form the rule.

Article LI. In making over the balance of the postal administration for general Imperial purposes (Article XLIX), in consideration of the previous difference in the net incomes obtained by the State postal administrations of the separate territories, the following procedure is to be observed for the purpose of a corresponding arrangement during the undermentioned period of transition.

From the postal balances which have accrued in the separate postal districts during the 5 years, 1861 to 1865, an average yearly balance will be calculated, and the share which each separate postal district has had in the postal balance thus shown for the whole territory of the Empire, will be fixed according to percentages.

According to the proportion ascertained in this manner, the separate States will be credited for the next 8 years after their entrance into the postal administration of the Empire, with such quotas as accrue to them from the postal balances produced in the Empire, in account with their other contributions for Imperial purposes.

At the expiration of the 8 years all distinctions cease, and the postal balances will flow in undivided account into the Imperial Treasury, according to the principle set forth in Article XLIX.

From the quotas of the postal surplus thus ascertained during the before-mentioned 8 years for the Hanseatic towns, one-half will be placed beforehand every year at the disposal of the Emperor, for the purpose, in the first place, of paying therefrom the expenses for the establishment of normal postal institutions in the Hanseatic towns.

Article LII. The stipulations in the foregoing Articles XLVIII to LI have no application to Bavaria and Wurtemberg. In their place the following stipulations are in force for those two States of the Confederation :

To the Empire alone belongs the legislation as to the

postal and telegraph privileges, as to the legal relations between both institutions and the public, as to exemptions from postage and rates of postage, exclusively, however, of the rules and tariff regulations for the home circulation of Bavaria, and of Wurtemberg respectively, likewise under similar reservation the settlement of the fees for telegraphic correspondence.

In the same manner the regulation of the postal and telegraph intercourse with foreign countries belongs to the Empire, excepting the direct intercourse of Bavaria and of Wurtemberg themselves with the neighbouring States which do not belong to the Empire, the regulations as to which remain as stipulated in Article XLIX of the Postal Treaty of 23rd November, 1867.

Bavaria and Wurtemberg do not participate in the income flowing into the Imperial Treasury from the postal and telegraph service.

IX. *Shipping and Navigation.*

Article LIII. The war navy of the Empire is one united navy under the chief command of the Emperor. The organization and composition thereof is the business of the Emperor, who appoints the Naval officers and officials, and into whose service they and the men are to be sworn.

The Harbour of Kiel and that of Jahde are Imperial military harbours.

The necessary expenses for the establishment and maintenance of the war fleet, and the institutions in connexion therewith, are paid from the Treasury of the Empire.

The whole of the maritime population of the Empire, including engineers and shipwrights, are free from service in the land army, but, on the other hand, are bound to serve in the Imperial Navy.

The apportionment of the recruits is arranged according to the number of the maritime population, and the quota which each State thus contributes is deducted from the contingent to the land army.

Article LIV. The merchant vessels of all the States of the Confederation form one undivided commercial navy.

The Empire has to determine the method of ascertaining the burden of sea-going vessels, to grant bills of admeasurement, as well as to regulate the ship-certificates, and to

determine the conditions upon which the permission to command a sea-going vessel depends.

The commercial ships of all the States of the Confederation will be admitted and treated on equal terms in the sea harbours, and in all the natural and artificial waterways of the separate States of the Confederation. The dues to be levied in the sea-ports from sea-going vessels or their cargoes for using the navigation appliances must not exceed the expenses which are requisite for the maintenance and ordinary repairs of those appliances.

On all natural waterways dues may only be levied for the use of such appliances as are especially intended for the furtherance of traffic. These dues, as well as the dues payable for making use of such artificial waterways as are State property, must not exceed the expenses which are requisite for the maintenance and ordinary repairs of such erections and works. These regulations are also applicable to floatage so far as it takes place on navigable waterways.

The imposition of other or higher dues on foreign ships, or their cargoes, than those paid by the ships of the Federal States does not belong to any single State, but solely to the Empire.

ARTICLE LV. The Flag of the navy and of the merchant-shipping is black, white, and red.

X. *Consular Service.*

ARTICLE LVI. The whole of the Consular service of the German Empire is under the superintendence of the Emperor, who appoints the Consuls after consultation with the Committee of the Council of the Confederation for Commerce and Traffic.

Within the official district of the German Consuls no new Consulates for separate States may be erected. The German Consuls exercise the functions of a national Consul for any State of the Confederation, not represented in their district. The whole of the existing Consulates for separate States are to be abolished as soon as the organization of the German Consulates is so completed, that the representation of the interests of all the States of the Confederation is recognized by the Council of the Confederation as secured by the German Consulates.

XI. *Military Affairs of the Empire.*

ARTICLE LVII. Every German is liable to military service, and cannot have that service performed by substitute.

ARTICLE LVIII. The expenses and burdens of the whole of the military affairs of the Empire are to be borne equally by all of the States of the Confederation and those belonging to them, so that no preferences, or overburdening of any single States or classes, are in principle admissible. Where an equal division of the burdens is not practicable *in natura*, without prejudice to the public welfare, the matter is to be arranged on the principles of equity by means of legislation.

ARTICLE LIX. Every German capable of service belongs for 7 years to the standing army, as a rule from the completion of the 20th to the commencement of the 28th year of his age; that is, for the first 3 of these years with the standards, and for the last 4 years in the reserve; then for the following 5 years of his life to the Landwehr. In those States of the Confederation wherein hitherto a longer period than 12 years of service altogether has been legal, the gradual reduction of such service can only take place in so far as regard for the readiness for war of the Imperial army permits it.

With respect to the emigration of the reserve men only those regulations are to be applied which are in force for the emigration of the Landwehr men.

ARTICLE LX. The effective strength of the German army in peace is fixed till the 31st December, 1871, at one per cent. of the population of the year 1867, and the separate States of the Confederation supply it *pro rata* thereof. Subsequently the effective strength of the army in peace will be determined by Imperial legislation.

ARTICLE LXI. After the publication of this Constitution the whole Prussian Military Code of Laws is to be introduced throughout the Empire without delay, both the laws themselves and the regulations, instructions, and rescripts issued for the explanation and completion thereof, especially therefore the Military Penal Code of the 3rd April, 1845; the Military Court-martial Regulations of the 3rd April, 1845; the Ordinance upon Courts of Honour of the 20th July, 1843; the regulations upon recruiting, time of service,

allowance and maintenance affairs, billeting, compensations for damages to agriculture, mobilization, &c., for war and peace. The military Church ritual is, however, excluded.

After the uniform war organization of the German army has been effected, a comprehensive Military Law for the Empire will be laid before the Imperial Diet and the Council of the Confederation for their constitutional decision.

Article LXII. To cover the outlay necessary for the entire German army, and the arrangements appertaining thereunto until the 31st December, 1871, there are yearly to be placed at the disposal of the Emperor, as many times 225 thalers, in words two hundred and twenty-five thalers, as the poll-number of the peace strength of the army amounts to, according to Article LX. See Section XII.

After the 31st December, 1871, these contributions must continue to be paid to the Imperial Treasury by each State of the Confederation. For the calculation thereof the effective strength in peace, as provisionally settled in Article LX, will be taken as the basis until it is altered by an Imperial law.

The expenditure of this sum for the entire Imperial Army and its arrangements will be determined on by the Estimate Law.

In settling the estimates of the military expenses, the legal organization of the Imperial army, as laid down in this Constitution, will be taken as the basis.

Article LXIII. The entire land force of the Empire will form a single army, which in war and peace is under the command of the Emperor.

The regiments, &c., bear running numbers for the entire German Army. For their clothing, the ground colours and fashion of the Royal Prussian army are to be the model. It is left to the chiefs of the respective contingents to determine the external marks of distinction (cockades, &c.).

It is the duty and the right of the Emperor to take care that all the divisions of troops within the German army are numerically complete and effective for war, and that unity in the organization and formation, in the armament and command, in the training of the men, as well as in the qualifications of the officers, be established and main-

tained. For this purpose the Emperor has the right to convince himself of the condition of the separate contingents at all times by inspection, and to order the reformation of any defects thereby discovered.

The Emperor determines the effective strength, the division and arrangement of the contingents of the Imperial army, as well as the organization of the Landwehr; he also has the right of determining the garrisons within the territories of the Confederation, and to order the embodiment of any part of the Imperial army in a state of preparation for war.

For the purpose of keeping up the indispensable uniformity in the administration, maintenance, armament, and equipment of all the divisions of troops of the German army, the orders issued thereon in future for the Prussian army will be communicated in a suitable manner, through the Committee for the Land Army and Fortresses mentioned in Article VIII, No. 1, to the commanders of the other contingents for observance.

Article LXIV. All German troops are bound to obey the commands of the Emperor unconditionally. This duty is to be specified in the Banner-oath.

The Commander-in-Chief of a contingent, likewise all officers who command Troops of more than one contingent, and all commanders of Fortresses are appointed by the Emperor. The officers appointed by the Emperor take the Banner-oath to him. The appointments of Generals and officers acting as Generals within the contingents are at all times subject to the approbation of the Emperor.

The Emperor has the right, for purposes of transposition, with or without promotion, to select for such appointments as are to be made by him in the Imperial service, whether in the Prussian Army or in other contingents, from the officers of all the contingents of the Imperial Army.

Article LXV. The right of erecting Fortresses within the Territories of the Confederation belongs to the Emperor, who proposes, according to Section XII, the grant of the necessary means for the purpose, in so far as they are not provided for in the ordinary Estimates.

Article LXVI. Where nothing to the contrary is stipulated by particular Conventions, the Sovereigns of the Confederation, or the Senates, appoint the Officers of their Contingents, subject to the restriction of Article LXIV.

They are the chiefs of all the divisions of troops belonging to their Territories, and enjoy the honours connected therewith. They have especially the right of inspection at all times, and receive, besides the regular reports and announcements of alterations which take place, timely information, for the purpose of Governmental publication, of all promotions or nominations among the respective divisions of the Troops.

Likewise, they have the right to make use, for purposes of Police, not only of their own Troops, but also to make requisition for any other division of Troops of the Imperial Army which may be located in their Territories.

ARTICLE LXVII. Savings from the Military Estimate do not belong under any circumstances to a single Government, but at all times to the Imperial Treasury.

ARTICLE LXVIII. The Emperor may, when the public safety is threatened in the Territories of the Confederation, declare any part thereof to be in a State of War. Until the promulgation of an Imperial law, which will regulate the premisses, the form of publication, and the effects of such a Declaration, the rules of the Prussian law of 4th June, 1851, remain in force. (Collection of Laws for 1851, page 451, *& seq.*)

Final Stipulation to Section XI.

The provisions contained in this section come into force in Bavaria according to the special stipulations of the Treaty of Confederation of 23rd November, 1870 (*Federal Law Gazette*, 1871, page 9), under III, § 5, and in Wurtemberg, according to the special stipulations of the Military Convention of $\frac{21st}{25th}$ November, 1870. (*Federal Law Gazette*, 1870, page 658.)

XII. *Finances of the Empire.*

ARTICLE LXIX. All the Receipts and Disbursements of the Empire must be estimated for each year, and be brought into the Imperial Estimates. These are to be fixed by a law before the beginning of the financial year, according to the following principles.

ARTICLE LXX. To provide for all common expenses, any balances of the preceding year are first of all employed, and likewise the common Revenues derived from

the Duties, the common Consumption Taxes, and from the Postal and Telegraph Services. In so far as they cannot be provided for by these Revenues, they are, as long as Imperial Taxes are not introduced, to be met by contributions from the single States of the Confederation, in proportion to their population, which contributions to the amount estimated in the Budget will be estimated by the Chancellor of the Empire.

ARTICLE LXXI. The common Disbursements are, as a rule, voted for one year; they may, however, in particular cases, be voted for a longer period.

During the time of transition mentioned in Article LX, the Estimates of Expenditure for the Army, arranged under heads, are to be laid before the Council of the Confederation and the Imperial Diet only for their information and remembrance.

ARTICLE LXXII. The Chancellor of the Empire is to give account yearly to the Council of the Confederation and to the Imperial Diet of the application of all the incomes of the Empire, for discharge of responsibility.

ARTICLE LXXIII. In cases of extraordinary requirements, the Contracting of a Loan, also the undertaking of a Guarantee on account of the Empire, may take place in the way of Imperial legislation.

Final Stipulation to Section XII.

To the Expenditure for the Bavarian Army, Articles LXIX and LXXI are only applicable in conformity with the stipulations of the Treaty of 23rd November, 1870, mentioned in the final stipulation to Section XI and Article LXXII, only so far that the assignment to Bavaria of the sums necessary for the Bavarian Army is to be notified to the Council of the Confederation and to the Imperial Diet.

XIII. *Settlement of Differences and Penal Stipulations.*

ARTICLE LXXIV. Every undertaking against the existence, the integrity, the safety, or the Constitution of the German Empire; finally, insulting the Council of the Confederation or the Imperial Diet, or a member of the Council of the Confederation or of the Imperial Diet, or any authority, or a public functionary of the Empire, whilst

in the exercise of their vocation, or in reference to their vocation, by word, in writing, printing, drawing, figurative, or other representation, will be sentenced and punished in the separate States of the Confederation, according to the existing law, or the laws which may in future be enacted there, in pursuance of which a similar offence committed against that separate State of the Confederation, its Constitution, its Chambers, or Diet, the members of its Chambers or Diet, its authorities or functionaries, would be punished.

ARTICLE LXXV. For those undertakings against the German Empire, mentioned in Article LXXIV, which, if they had been undertaken against one of the separate States of the Confederation, would be qualified as High Treason, or Treason against the Country, the Common Upper Court of Appeal of the three Free and Hanseatic Towns, at Lubeck, is the competent deciding authority in first and last instance.

The special regulations as to the competency and the procedure of the Upper Court of Appeal are to be settled by way of Imperial legislation. Until the promulgation of an Imperial law, the competency of the Courts in the separate States of the Confederation, and the provisions relative to the procedure of these Courts, remain as they have hitherto been.

ARTICLE LXXVI. Differences between various States of the Confederation, in so far as they are not of a private legal nature, and therefore to be decided by the competent judicial authorities, will, at the suit of one of the parties, be settled by the Council of the Confederation.

Constitutional differences in those States of the Confederation in whose constitution no authority for settling such disputes is provided are to be amicably arranged by the Council of the Confederation at the suit of one of the parties, or if this should not succeed, they are to be settled by way of Imperial legislation.

ARTICLE LXXVII. If, in a State of the Confederation, the case of a refusal of justice should occur, and sufficient aid cannot be obtained by way of law, it is the duty of the Council of the Confederation to take cognizance of the complaints as to the refused or hindered administration of the law when proved according to the Constitution and existing laws of the respective State of the Confederation,

and thereupon to cause the Government of the Confederate State which has given occasion for the complaint, to afford judicial aid.

XIV. *General Stipulations.*

ARTICLE LXXVIII. Alterations in the Constitution take place by way of legislation. They are considered as rejected if they have 14 votes in the Council of the Confederation against them.

Those provisions of the Constitution of the Empire, by which certain rights are established for Separate States of the Confederation in their relation to the community, can only be altered with the consent of the State of the Confederation entitled to those rights.

CHAPTER XI

TURKEY, RUSSIA, AND THE BALKAN STATES

Russians' interest in foreign affairs — Gorchakov — Denunciation of the Black Sea Convention — Gorchakov's Circular — Franco-German War — *Rapprochement* of Russia and Prussia — Protest of Great Britain against Denunciation — The Treaty of London, 1871 — Reasons for the changes made — The European Commission of the Danube — Turkey in the Concert of Europe — Freedom from external interference — The Andrassy Note — Bulgarian Atrocities — Conference of the Powers at Constantinople — Russo-Turkish War, 1877–8 — Treaty of San Stefano — Alliance of Great Britain and Turkey — Treaty of Berlin — Bulgaria acquires Eastern Rumelia — Revolution of the Young Turks, 1908 — Austrian annexation of Bosnia and Herzegovina — Bulgarian Independence — Turco-Italian War — Balkan League — First Balkan War — Treaty of London, 1913 — Second Balkan War — Treaty of Bucharest — European War, 1914 — Entente offer of guarantee to Turkey — *Goeben* and *Breslau*— Turkey enters the War.

Texts : The Treaty of London (1871) — The Treaty of Berlin (1878) — The Treaty of London (1913) — The Treaty of Bucharest (1913).

THE autocratic Tsar Nicholas I died on March 2, 1855, before the Crimean War was over. He was succeeded by his son Alexander II, under whom Russia entered on a period of peaceful development and legal and administrative reform. Such a period inevitably had the result of restoring to the Russian Government its feelings of dignity and self-respect, and of causing it to remember with feelings of humiliation the restrictions put upon its freedom by the Treaty of Paris. It was naturally felt to be unduly cramping to the powers of a great Empire that it should be prevented from having forts or arsenals on its own Black Sea coast, or from keeping naval forces in those

waters. It should be borne in mind also, that the upper classes of Russia have for a long time been distinguished for the keen and lively interest which they take in the foreign affairs of their country. This is due to the fact that the autocratic Constitution of Russia to a great extent excluded the educated classes from participating in the internal government of their country. Their attention was therefore largely concentrated upon foreign policy, all the more since an active interest in this carried with it no such personal risks as were involved in too obvious an interest in the domestic affairs of government.

Alexander II had for his chief minister Prince Alexander Gorchakov, descended from an ancient and distinguished family. Gorchakov's knowledge of foreign affairs was unrivalled, and his prestige in the Chancelleries of Europe stood very high. In 1870–1 he was able to carry out the denunciation of the clauses of the Paris Treaty of 1856, which neutralized the Black Sea.

The moment chosen for this dramatic announcement was October 31, 1870, when France, who, with England, was the great upholder of the Treaty of Paris, was involved in the disastrous war with Germany, and had lost her great field armies at Sedan and Metz. Gorchakov's circular to the Powers of Europe, announcing the repudiation of the Black Sea Convention, was dated four days after the capitulation of Metz.

The grounds upon which Gorchakov based his denunciation of Articles XI, XIII, and XIV of the Treaty of Paris, and the Convention of the same date between Russia and Turkey embodying those Articles, were two : first, that the provisions of the Treaty of Paris had been broken in other respects ; and second, that the neutralization of the Black Sea was unreasonable. The first contention was unproved, nor even, if true, would it necessarily have justified the breaking of the rest of the treaty. The second contention —that the Black Sea neutralization was unreasonable—

was a fair ground for discussion, and for modifying the treaty by arrangement with the signatory and guaranteeing Powers. But Gorchakov took no such course. His circular of October 31, 1870, was simply a curt notice of denunciation.

The circular itself was not quite ingenuous. It contended that the changes which had taken place in Roumania were a breach of the Treaty of Paris. Article XXII of that treaty stated that 'the Principalities of Wallachia and Moldavia shall continue to enjoy under the Suzerainty of the Porte, and under the Guarantee of the Contracting Powers, the Privileges and the Immunities of which they are in possession'. These privileges had certainly been increased since the Treaty of Paris, for the two Principalities had united themselves into one, and had in 1866 elected a *foreign* Prince in place of the native Prince Alexander Couza. The Powers at first had objected to the election of a Prince belonging to a foreign Royal House, but they speedily acquiesced in the election of Prince Charles Antony, of the House of Hohenzollern-Sigmaringen. This was no breach of the Treaty of Paris, which had secured to the Principalities their existing privileges, but could not be held perpetually to forbid the acquisition of new privileges. In any case, even if modification had taken place in the Treaty of Paris, this could be no ground for Russia arbitrarily modifying other clauses of it, without consulting the Powers who were responsible with her for the Treaty.

The other point in which Gorchakov said the Paris Treaty had been broken was in the clause which declared the Straits closed to foreign ships of war when the Porte was at peace. 'Repeatedly,' ran the circular, 'and under various pretexts, Foreign Men-of-War have been suffered to enter the Straits, and whole Squadrons, whose presence was an infraction of the character of absolute Neutrality attributed to those waters, admitted to the

ASPIRATIONS OF THE BALKAN STATES IN 1912

Black Sea.'[1] No facts were advanced to show that such breaches of the Treaty of Paris had taken place, nor even if proved could they have justified Russia in denouncing the restrictive clauses, as by Article XIV of the Paris Treaty, Russia had bound herself with the rest of the Powers to this effect: 'It [i. e. the Black Sea Convention] cannot be either annulled or modified without the assent of the Powers signing the present Treaty.'

Gorchakov further contended in the circular of October 31, 1870, that the restrictions were unreasonable, and based upon an unjustifiable distrust of the Russian Government. The restrictions, he wrote, were unreasonable, because, 'while Russia was disarming in the Black Sea, . . . and likewise loyally deprived herself of the possibility of taking measures for an effectual Maritime Defence in the adjoining Seas and Ports, Turkey preserved her privilege of maintaining unlimited Naval Forces in the Archipelago and the Straits; France and England preserved their power of concentrating their squadrons in the Mediterranean'. In the same way it was pointed out that the Straits were only closed by the Treaty of Paris when the Porte was at peace. In time of war, the Porte could let the navies of any hostile Power into the unguarded Black Sea, to the undefended coast of Russia. This danger was all the greater, as steamships had replaced sailing ships in the navies of the world since the Treaty of 1856. A swift attack upon Russia's unprotected Black Sea coast might be arranged at any moment.

Stated thus, the neutralization of the Black Sea appeared to be not altogether fair to Russia, and Gorchakov had a good case with which to approach the signatory Powers with proposals for its amendment. Unfortunately he took no such course, and therefore struck a blow at the respect for treaties and the public faith of Europe.

For the purposes of Russia, the time was well chosen.

[1] Hertslet, vol. iii, No. 429, p. 1894.

France, as before mentioned, was already invaded, and had lost both fortresses and armies; the Empire had fallen, and Paris had been invested. Obviously the French Provisional Government had no attention to spare for the Eastern Question. Victorious Germany might have thrown its weight on the side of justice, and have striven for the maintenance of the Treaty of Paris or for its modification by consent of the signatories. But the Prussian Government, far from doing this, actually favoured Russia's individual denunciation of the Black Sea Convention. Gorchakov and Bismarck had been friends since 1851, when Gorchakov was Russian minister to the Diet of the Germanic Confederation at Frankfort. In 1858 Bismarck was sent to Petrograd as Prussian ambassador, and remained there four years. Gorchakov, as Minister of Foreign Affairs, naturally came into still closer relations with Bismarck. When Gorchakov became Imperial Chancellor in 1863, there was quite a *rapprochement* between the Governments of Russia and Prussia. The benevolent neutrality and friendship of Russia was exceedingly useful to Bismarck, when carrying out his very delicate and risky arrangements with regard to Schleswig-Holstein in 1863 and 1864. This largely explains the inactivity of Great Britain during that crisis. In the same way, Russian friendship gave Prussia a free hand in the war with Austria in 1866, and helped to keep Napoleon III inactive. In 1870, when Prussia invaded France, the Russo-Prussian *rapprochement* helped to ensure the neutrality of Austria, which was confidently expected by Napoleon III to intervene on his behalf. In return for these very substantial benefits, Bismarck could do no less than give Russia a free hand with regard to the Black Sea Convention. Austria was in no condition to oppose the Russo-Prussian understanding, Italy was too busy completing her unity by the occupation of Rome (September 20, 1870). Great Britain's protest (November 10, 1870) was therefore of little avail, though

put with all the logic and cogency which distinguished Lord Granville's dispatches. The Black Sea Convention was denounced, yet at the same time Russia was induced to submit the matter to discussion at a Congress of Powers held at London in 1871. Although the mischief had been already done, the Powers attempted some sort of vindication of the principle of treaty-obligation. They converted Russia's denunciation into a solemn treaty (March 13, 1871), and so put it upon a regular footing.

The Treaty annulled Articles XI, XIII, and XIV of the Paris Treaty of 1856, and the separate and purely consequential Black Sea Convention of the same date ; Article XI interdicted the Black Sea to the Flag of War of any nation ; Article XIII prohibited the maintenance of military or maritime arsenals on the coasts ; Article XIV declared the annexed Black Sea Convention to have the same force as if embodied in the Treaty, and also that the Paris Treaty could not be changed without the consent of the signatory Powers. These Articles were replaced by a fresh one[1] which retained the principle of the closure of the Straits to foreign war-ships, but which differed from the provisions of the 1856 Treaty in three important respects : (1) it made no mention of the neutralization of the Black Sea, where accordingly Russia could build navies and fortify ports ; (2) it permitted Turkey to open the Straits to foreign ships of war, if the Porte should consider such a course necessary in order to fulfil the stipulations of the Paris Treaty of 1856, in so far as these stipulations were still in force ; (3) the statement that the Treaty could only be modified with the consent of the signatory Powers was omitted.

The reasons for these differences between the Treaties of 1856 and 1871 were probably somewhat as follows :

1. That Russia should be able to fortify its own coast on the Black Sea, and to maintain warships there, was only reasonable ; otherwise, during a war with Turkey, the

[1] Article II of the Treaty of March 13, 1871.

Black Sea coast of Russia would be exposed without defence to foreign ships of war, which the Porte could let through the Dardanelles. It is true that the Treaty of Paris, by interdicting the Black Sea to the ships of war of any Power (Article XI), intended to protect Russia from such a contingency. But a state of war between Russia and a majority (including Turkey) of the signatory Powers would bring the Treaty of Paris practically into abeyance, and would expose Russia's Black Sea coast to immediate attack. Moreover, there was some inconsistency between Article XI of the Treaty of Paris, which neutralized the Black Sea, and Article I of the annexed Convention (having the same force as the Treaty of Paris), which allowed the Porte to admit foreign ships of war to the Dardanelles and Bosphorus, when the Porte itself was at war. It was of no use to neutralize the Black Sea in one Article, and in another to authorize Turkey to pass ships of war into it. The Treaty of 1871 was therefore consistent and reasonable: it left Article I of the Black Sea Convention in force, i.e. the Straits were to remain closed to foreign ships of war while the Porte was at peace; and in order that the south coast of Russia and her commerce in the Black Sea might not be at the mercy of the Turks during war, Russia was authorized to fortify herself there, and maintain a navy. Turkey, of course, was given the same authorization.

2. Turkey was not merely authorized to pass foreign ships of war through the Straits in time of war, but also (Article II of the 1871 Treaty) in time of peace, 'in case the Sublime Porte should judge it necessary in order to secure the execution of the stipulations of the Treaty of Paris of the 30 March 1856'. It is very difficult to see what stipulations are referred to, but the new rule was probably made to prevent Russia from contending (as she did in her circular of October 31, 1870) that the Treaty of Paris had been broken, if Turkey, *bona fide*, admitted a

foreign war-ship into the Straits, with a view, for instance, to the protection of foreign subjects, during some local disturbance.

3. The stipulation of the 1856 Treaty (Article XIV) that it could not be changed without the consent of the signatory Powers was omitted, probably because such a statement was otiose, and seemed to imply that treaties which contained no such stipulation could be changed by one party without the consent of the other party or parties.[1]

Finally, the Treaty of 1871 contained certain Articles about the Danube. The Paris Treaty of 1856,[2] it will be remembered, set up a European Commission, to undertake necessary works in the channels below Isatcha. A Riverain Commission was also set up (on paper), consisting of representatives of the riparian Powers, to deal with the whole course of the river. The European Commission was to do its work and to be dissolved when the work was completed, as was expected to happen within two years. But it had not been dissolved, and the Riverain Commission never came into existence. The Treaty of 1871 extended the duration of the Danube *European* Commission to the year 1883, and by Article XVI it provided for the assembling, wrongly referred to as re-assembling, of the Riverain Commission. But the Riverain Commission still remained in abeyance. While the life of the European Commission has been extended from period to period, the execution of works above its boundary (Braila) has been carried out separately by the States which are directly interested.

The Treaty of Paris, 1856, was accepted by the Turks as a great charter of liberty, securing the Porte from any interference from the troublesome Powers of Europe. For by the treaty the Powers had guaranteed the independence and territorial integrity of Turkey, had admitted

[1] Cp. the Declaration signed at London, January 17, 1871 (see above, p. 11.)

[2] Article XVI.

her to the Concert of Europe (i.e. had put her upon the same footing as any other European State), and had solemnly stated that they had no right 'to interfere, either collectively or separately, in the relations of His Majesty the Sultan with his subjects, nor in the Internal Administration of his Empire' (Article IX).

It is true that the Sultan had also in Article IX of the Treaty of Paris proclaimed 'his constant solicitude for the welfare of his subjects', and 'his generous intentions towards the Christian population of his Empire', and had referred to the Firman (the Hatti-Hamouin)[1] which he had issued in the previous month, laying down an excellent scheme of reform. But this Firman, 'emanating spontaneously from his Sovereign will,' was not itself a part of or annexed to the Treaty of Paris, and so the Powers had no legal ground on which to force the Sultan to observe it. Accordingly, during the following twenty years, the internal administration of the Turkish Government and its attitude towards its Christian subjects do not appear to have improved. When in August 1875, an insurrection of the Christians in Herzegovina broke out, the Eastern Question was again revived in its acutest form.

There is no doubt that the condition of the Christian provinces of Turkey was sufficiently bad to justify some pressure being put on the Porte by the Powers of Europe. Yet, as the Porte was not slow to point out, the Powers had bound themselves, by Article IX of the Treaty of Paris, not to interfere in the internal affairs of Turkey. Moreover, there was another difficulty in the way of concerted action by the Powers: they all wished Turkey to reform its administration, but they did not all wish Turkey's independence or territory to be decreased. It was, especially, the view of the British Government, that the maintenance of the Turkish Empire was necessary to the Balance of Power in the Near East.

[1] February 18, 1856; Hertslet, vol. ii, No. 263.

Yet in some degree, circumstances were propitious for bringing pressure to bear on Turkey, in such a way as might have prevented war. The three great Empires, Austria, Russia, and the new German Empire, were at this time acting in accord. The Russian and German Chancellors had long been friends, and acted in concert in important matters of State,[1] and Austria had learned to acquiesce in the facts of 1866 and 1870, to recognize that the leadership of Germany had passed to Prussia, and that her great interests now lay in the south-east. Thus Count Andrassy, the Austrian Chancellor, was able in January 1876 to draw up, in concert with Russia and Germany, the now famous 'Andrassy Note', demanding that Turkey should establish complete religious toleration within her dominions, do away with the system of tax-farming, and set up a mixed Commission of native Christians and Mohammedans to superintend the execution of the reforms.[2] To this Note Great Britain and France also gave their adherence. But when in May (1876) at Berlin the ministers of the three Empires drew up a much firmer Note—the Berlin Memorandum—the British Government declined to take part in it, being very suspicious of anything likely to prove 'contrary to the Treaty Rights of the Porte or subversive of the Sultan's authority'.[3] The British Government at this time hoped that Turkey might be induced to reform itself without coercion. The clear intention of the English Premier Disraeli to maintain the independence of Turkey might have prevented the war between Russia and the Porte, had not the Turks themselves, by their brutal conduct while repressing the Bulgarian insurrection in May 1876, succeeded in alienating the sympathy of a great portion of the British people. 'The knife of the Circassian and Bachi-Bazouk had severed

[1] See p. 317.
[2] The complete Note is in Hertslet, vol. iv, No. 456.
[3] Ibid., Nos. 461, 462.

BALKAN STATES
1878-1914
English Miles
0 50 100 200
BUKOVINA
MOLDOVIA
RUSSIA
Jassy
BESSARABIA
TRANSYLVANIA
HUNGARY
Temesvar
Rother Turm P.
Vulkan P.
Tömös P.
1856-1878
Galatz
1878
DOBRUJA
AUSTRIA
BOSNIA
Belgrade
Orsova
WALLACHIA
ROUMANIA
Bucharest
Serajevo
SERBIA
Widin
Rustchuk
Silistria
1913
BLACK SEA
HERZEGOVINA
MONTE NEGRO
Nish
Pirot
Plevna
BULGARIA
Tirnovo
Varna
Cattaro
Cettinje
Sofia
Burgas
1885
Philippopolis 1913
ADRIATIC SEA
Uskub
1913
1913
Adrianople
Durazzo
Ochrida
Monastir
1913
Constantinople
OTTOMAN EMPIRE
Brindisi
1913
Valona
Salonica
Otranto
Janina
Corfu
Larissa
1881
Lemnos
TROY
AEGEAN SEA
IONIAN SEA
Levkas
GREECE
Mitylene
Smyrna
Chios
Cephalonia
Zante
PELOPONNESE
Athens
Samos
Crete
Acquisitions of Montenegro 1913
" " Roumania "
" " Bulgaria "
" " Serbia "
" " Greece "
Ceded to Bulgaria by the Treaty of London May 30th 1913, retroceded to Turkey Sept. 29th 1913.
State frontiers
Old "

the bond with Great Britain which had saved Turkey in 1854.'[1]

Serbia and Montenegro declared war on Turkey in July 1876. The Russian Government openly proclaimed its sympathy with them. Yet the Tsar Alexander II assured Great Britain that he had no intention of acquiring territory: that all he desired was concerted action to induce Turkey to carry out reforms. Great Britain, agreeing to this, proposed a Conference of the Powers at Constantinople. This took place in December and January 1876–7, and a sensible scheme of reform was drawn up. But to ensure that the reforms would not be put off indefinitely by the Porte, it was also proposed that they should be put into effect by an international commission and gendarmerie. The Turkish Government refused this, pointing out that interference by an international commission with the administration of the Ottoman Empire would be a direct breach of the Treaty of Paris. After receiving this answer, the Powers (in order to keep the adherence of England) proposed a milder document to the Porte, omitting any mention of an international commission, but stating that if reforms were not carried out, the Powers would decide in common on the means to be pursued. The Porte regarded this document also as being against the Treaty of Paris. So as no effective guarantees for reform were to be gained by peaceful means, Russia declared war on April 24, 1877.

The war did not last very long, but there was much hard fighting before the Russian Army entered Adrianople on January 20, 1878. Even before this happened, the Porte had recognized its defeat, and had asked the other Powers of Europe to mediate. Constantinople lay at the mercy of the Russians, and the fear which had haunted British statesmen for nearly a century seemed only too likely to be realized. For a few weeks it looked as if war

[1] Fyfe, *Modern Europe*, 1895, p. 1029.

between Russia and England could not be averted; on February 6, 1878, the British fleet went through the Dardanelles into the Sea of Marmara. Fortunately the more peaceful counsels prevailed, and a breathing-space was secured by both sides agreeing for the time being to hold their hands. Thirteen days after the British fleet passed the Dardanelles, the Russian ambassador in London communicated the following message to Lord Derby, the English Secretary of State for Foreign Affairs: 'Prince Gorchakov authorizes me by telegraph to declare to your Excellency that the Imperial Cabinet maintains its promise not to occupy Gallipoli nor to enter the lines of Bulair. The Imperial Cabinet expects in return that no English troops should be landed on the Asiatic or European coast.' [1]

Meanwhile Turkey and Russia were in negotiation. On March 3, at the village of San Stefano, on the European shore of the Sea of Marmara, the well-known Treaty of San Stefano was concluded.

For years this treaty has acted as a kind of magnet to the Bulgarian people, for it was they who would have benefited by it, not Russia. The Bulgarians till 1878 were merely a subject race of Turkey, governed by Turkish officials, without any autonomy, and hardly conscious themselves that they were a people. The Treaty of San Stefano would have made them a large State, tributary to Turkey indeed, but as large as the mediaeval Bulgarian Empire, the memory of which is kept so green among them as a spur to their ambition. Bulgaria under the Treaty of San Stefano would have stretched from the Danube to the Aegean, and would have included practically all Macedonia, except Salonika. The other Powers, however, objected. Austria did not relish the idea of a powerful Slav State lying across her path to the Aegean. Great

[1] Count Schouvaloff to the Earl of Derby, February 19, 1878. Hertslet, vol. iv, No. 517.

Britain feared that the big Bulgaria would be merely a client State of Russia. To settle these difficulties a congress was suggested. Russia accepted the proposal, and accordingly the famous Congress of Berlin came together on June 13, 1878. In this Congress Great Britain sat as the ally of Turkey. On June 4, Disraeli had concluded a treaty with the Sublime Porte. According to this, Turkey gave over to Great Britain the occupation and administration of Cyprus. Britain, on her part, engaged in the future to defend Turkey's position against Russia in Asia.[1]

The Treaty of Berlin was concluded on July 13, 1878. Every Article of it is of the highest importance, and although it has subsequently been, in many respects, modified, broken and changed, it still remains the ground-plan of the States-system of South-East Europe. In order to appreciate its importance it is necessary not merely that each Article should be carefully studied, but that the previous history of each Balkan State that was then recognized or established should be fully understood.

The first alteration of the Treaty of Berlin came in 1886. The new State of Bulgaria extended only from the Danube to the Balkans. Eastern Rumelia, the fertile plain to the south of the Balkans, was a Turkish province under a native Christian Governor. In 1886, however, a revolution broke out in Philippopolis, in favour of union with Bulgaria. Prince Alexander of Battenberg, the Prince of Bulgaria, then led his army into Philippopolis and hoisted the national flag.[2] The Turkish Government never formally admitted the cession of Eastern Rumelia, but the province was in fact incorporated with Bulgaria,

[1] Convention of Constantinople, June 4, 1878; Hertslet, vol. iv, No. 524; Mowat, *Select Treaties*, pp. 78–9. Before the Congress met Russia and Great Britain had also settled their differences by a Secret Convention signed on May 30. It was abstracted from the Foreign Office by a copying clerk, and was published in the *Globe* newspaper on June 14, the day after the Congress had assembled.

[2] See Act for modifying Articles XV and XVII of the Treaty of Berlin, April 5, 1886 (Hertslet, No. 611).

and Rumeliots took their seat in the Sobranye, the Parliament, at Sofia. In the same year Russia denounced Article LIX of the Berlin Treaty, which declared Batoum to be purely a port of commerce.

The Berlin settlement was not seriously questioned again till 1908. In the previous year the Revolution of the Young Turks had occurred. Turkey became in theory a constitutional monarchy, with strong military and nationalistic aims. Austria did not wait for further developments, but on October 3 suddenly announced the annexation of Bosnia and Herzegovina, contrary to Article XXV of the Treaty of Berlin. On October 5, Prince Ferdinand of Bulgaria proclaimed the complete independence of his principality (the tribute to Turkey, as a matter of fact, had never been paid), and erected it into a kingdom. On September 29, 1911, the Italian Government began a war with Turkey, ending with the annexation of Tripoli by the Treaty of Lausanne, October 18, 1912.[1]

In 1912 the First Balkan War broke out. The Balkan League or Union of Bulgaria, Greece, Serbia, and Montenegro was formed early in 1912, through the efforts of King Ferdinand of Bulgaria and the eminent Cretan politician, Eleutherios Venizelos, who in 1910 had been chosen by King George of Greece as Premier of the Greek Government. The States of the Balkan League presented certain demands to Turkey with regard to the territory and the administration of Macedonia, which the Porte did not concede, and accordingly war began on September 30, 1912, nearly three weeks before the Peace between Turkey and Italy was concluded over the Tripolitana.

The course which the war took was a surprise to Europe, and a surprise even to the Balkan States themselves, for they conquered more land from Turkey than, apparently, they had arranged to divide. Bulgaria took Adrianople and penetrated down to the lines of Bulair which defend the

[1] See Mowat, *Select Treaties*, pp. xliii–iv and pp. 83–7, 116–19.

Gallipoli Peninsula from the mainland. The Serbians won most of Macedonia, and the Greeks entered Salonika. At one time it looked as if the Bulgarians might take Constantinople, but they were stopped at the Chatalja lines. The usual difficulty was found in breaking off the war and adjusting the claims of the Allies. An international conference was invited to London by Sir Edward Grey, the British Foreign Minister, and simultaneously the plenipotentiaries of the Balkan States and Turkey met at London. These conferences ended with the Treaty of London, May 30, 1913, according to which Turkey ceded to the Balkan Allies all her territory (except Albania) to the west of the line Enos–Midia, and also the Island of Crete.[1]

The next step was to arrange for the division of this territory among the Allies themselves. The negotiations for this ended in the Second Balkan War, of Bulgaria against Greece and Serbia, begun on June 30 (1913). The war was stopped by the intervention, after July 9, of Roumania against Bulgaria. The Conference of Peace was held at Bucharest. In the meantime Turkey had quietly re-occupied Adrianople on July 20.[2] The Treaty of Bucharest was concluded on August 10, 1913. Bulgaria did not lose much at the hands of the Balkan Allies. Roumania extended her Dobruja frontier, but Bulgaria was extended down to the Aegean at Dedeagach. Serbia got a great part of Macedonia ; Greece got Salonika and Kavalla. The Powers who had arranged the Treaty of London thus saw their arrangements set aside. Great Britain did not recognize the validity of the Treaty of Bucharest. When, however, Bulgaria joined the Central Powers in the European War on October 12, 1915,

[1] See p. 112.

[2] Bulgaria retroceded Adrianople to Turkey by the Treaty of Constantinople, September 29, 1913. (*Nouveau Recueil*, 3me série, tome viii.)

the attitude of Great Britain, France, and Russia towards the Treaty of Bucharest naturally changed.

The European War, which began on August 2, 1914, was not intended, as far as the Allies were concerned, to involve any further modification of the Treaty of Berlin, or any change in the territorial position of Turkey. On August 22, 1914, Great Britain, France, and Russia, on condition of Turkey observing neutrality, engaged to 'give a joint guarantee in writing that they will respect the independence and integrity of Turkey', and 'that no conditions in the terms of peace at the end of the war shall prejudice this independence and integrity'.[1] Turkey, however (against the Treaty of Paris, 1856, and the Treaty of London, 1871), had already, on August 11, admitted the German warships *Goeben* and *Breslau* into the Dardanelles without interning them. On September 10, the Porte sent Notes to the European Governments announcing that the Capitulations by which Turkey's behaviour to foreigners within her territory was governed, were abolished. All the Powers protested against this.[2] On October 29 the Turkish fleet sank a Russian gunboat at Odessa and bombarded Feodosia. This act of war dissolved the Convention of Constantinople by which Great Britain had allied herself to Turkey and received the administration of Cyprus.[3] The island was accordingly declared to be annexed to Great Britain on November 5, 1914.

On December 19, of the same year, Egypt was declared to be a British Protectorate.[4]

[1] Sir Edward Grey to Sir L. Mallet, *Correspondence respecting Turkey*, Parliamentary Papers, Cd. 7628 (1914), p. 9.
[2] Sir L. Mallet to Sir E. Grey, ibid., p. 23.
[3] June 4, 1878; see above, p. 326, and Mowat, *Select Treaties*, p. 78.
[4] Ibid., p. 95.

TREATY BETWEEN GREAT BRITAIN, AUSTRIA, FRANCE, GERMANY (PRUSSIA), ITALY, RUSSIA, AND TURKEY, FOR THE REVISION OF CERTAIN STIPULATIONS OF THE TREATIES OF 30TH MARCH 1856, RELATIVE TO THE BLACK SEA AND DANUBE. SIGNED AT LONDON, 13TH MARCH, 1871.[1]

ARTICLE I. Articles XI, XIII, and XIV of the Treaty of Paris of the 30th March 1856, as well as the special Convention concluded between Russia and the Sublime Porte, and annexed to the said Article XIV, are abrogated, and replaced by the following Article.

ARTICLE II. The principle of the closing of the Straits of the Dardanelles and the Bosphorus, such as it has been established by the separate Convention of the 30th March 1856, is maintained, with power to His Imperial Majesty the Sultan to open the said Straits in time of Peace to the Vessels of War of friendly and allied Powers, in case the Sublime Porte should judge it necessary in order to secure the execution of the stipulations of the Treaty of Paris of the 30th March 1856.

ARTICLE III. The Black Sea remains open, as heretofore, to the Mercantile Marine of all Nations.

ARTICLE IV. The Commission established by Article XVI of the Treaty of Paris, in which the Powers who joined in signing the Treaty are each represented by a delegate, and which was charged with the designation and execution of the works necessary below Isaktcha, to clear the Mouths of the Danube, as well as the neighbouring parts of the Black Sea, from the sands and other impediments which obstruct them, in order to put that part of the River and the said parts of the sea in the best state for navigation, is maintained in its present composition. The duration of that Commission is fixed for a further period of 12 years, counting from the 24th April, 1871, that is to say, till the 24th April, 1883, being the term of the Redemption of the Loan contracted by that Commission, under the Guarantee of Great Britain, Germany, Austria-Hungary, France, Italy, and Turkey.

ARTICLE V. The conditions of the re-assembling of the Riverain Commission, established by Article XVII of the

[1] *State Papers*, vol. lxi, p. 7; Hertslet, vol. iii, No. 439.

Treaty of Paris of the 30th March 1856, shall be fixed by a previous understanding between the Riverain Powers, without prejudice to the clause relative to the 3 Danubian Principalities; and in so far as any modification of Article XVII of the said Treaty may be involved, this latter shall form the subject of a special Convention between the co-signatory Powers.

ARTICLE VI. As the Powers which possess the shores of that part of the Danube where the Cataracts and the Iron Gates offer impediments to navigation reserve to themselves to come to an understanding with the view of removing those impediments, the High Contracting Parties recognise from the present moment their right to levy a Provisional Tax on Vessels of commerce of every flag which may henceforth benefit thereby, until the extinction of the Debt contracted for the execution of the Works; and they declare Article XV of the Treaty of Paris of 1856, to be inapplicable to that part of the River for a space of time necessary for the repayment of the debt in question.

ARTICLE VII. All the Works and Establishments of every kind created by the European Commission in execution of the Treaty of Paris of 1856, or of the present Treaty, shall continue to enjoy the same Neutrality which has hitherto protected them, and which shall be equally respected for the future, under all circumstances, by the High Contracting Parties. The benefits of the immunities which result therefrom shall extend to the whole administrative and engineering staff of the Commission. It is, however, well understood that the provisions of this Article shall in no way affect the right of the Sublime Porte to send, as heretofore, its Vessels of War into the Danube in its character of Territorial Power.

ARTICLE VIII. The High Contracting Parties renew and confirm all the stipulations of the Treaty of the 30th March, 1856, as well as of its annexes, which are not annulled or modified by the present Treaty.

ARTICLE IX. The present Treaty shall be ratified, and the Ratifications shall be exchanged at London in the term of 6 weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the Seal of their Arms.

Done at London, the 13th day of the month of March, in the year 1871.

(L.S.) GRANVILLE.
(L.S.) BERNSTORFF.
(L.S.) APPONYI.
(L.S.) BROGLIE.
(L.S.) CADORNA.
(L.S.) BRUNNOW.
(L.S.) MUSURUS.

TREATY BETWEEN GREAT BRITAIN, AUSTRIA-HUNGARY, FRANCE, GERMANY, ITALY, RUSSIA, AND TURKEY, FOR THE SETTLEMENT OF THE AFFAIRS OF THE EAST. SIGNED AT BERLIN, 13TH JULY, 1878.[1]

Bulgaria. An Autonomous and Tributary Principality under Suzerainty of the Sultan. Christian Government. National Militia.

ARTICLE I. Bulgaria is constituted an autonomous and tributary Principality under the suzerainty of His Imperial Majesty the Sultan; it will have a Christian Government and a national militia.

Bulgaria. Boundaries.

ARTICLE II. The Principality of Bulgaria will include the following territories:—

Boundary between Bulgaria and Roumania. Silistria to Mangalia.

The frontier follows on the north the right bank of the Danube from the former frontier of Servia up to a point to be determined by a European Commission to the east of Silistria, and thence runs to the Black Sea to the south of Mangalia, which is included in Roumanian territory. The Black Sea forms the eastern boundary of Bulgaria.

Boundary between Bulgaria and Eastern Roumelia.

On the south the frontier follows upwards from its mouth the mid-channel of the brook near which are situated the villages of Hodžakiöj, Selam-Kiöj, Aivadšik, Kulibe, Sudžuluk; crosses obliquely the valley of the Deli-

[1] *State Papers*, vol. lxix, p. 749; Hertslet, vol. iv, No. 530.

Kamčik, passes south of Belibe and Kemhalik and north of Hadžimahale after having crossed the Deli-Kamčik at $2\frac{1}{2}$ kilom. above Čengei; reaches the crest at a point situated between Tekenlik and Aidos-Bredza, and follows it by Karnabad Balkan, Prisevica Balkan, Kazan Balkan to the north of Kotel as far as Demir Kapu. It proceeds by the principal chain of the Great Balkan, the whole length of which it follows up to the summit of Kosica.

There it leaves the crest of the Balkan, descends southwards between the villages of Pirtop and Dužanci, the one being left to Bulgaria and the other to Eastern Roumelia, as far as the brook of Tuzlu Dere, follows that stream to its junction with the Topolnica, then the latter river until it meets the Smovskio Dere near the village of Petricevo, leaving to Eastern Roumelia a zone with a radius of 2 kilom. above that junction, ascends between the brooks of Smovskio Dere and the Kamenica, following the line of the watershed so as to turn to the south-west at the level of Voinjak and reach directly the point 875 of the Austrian Staff map.

The frontier line cuts at right angles the upper basin of the brook of Ichtiman Dere, passes between Bogdina and Karaúla, so as to rejoin the line of the watershed separating the basins of the Isker and the Marica, between Camurli and Hadžilar, follows that line by the summits of Velina Mogila, the 'col' 531, Zmailica Vrh, Sumnatica, and rejoins the administrative boundary of the Sandjak of Sofia between Sivri Taš and Čadir Tepe.

Boundary between Bulgaria and Turkey (Macedonia).

From Čadir Tepe, the frontier, taking a south-westerly direction, follows the watershed between the basins of the Mesta Karasu on the one side, and the Struma Karasu on the other, runs along the crests of the mountains of Rhodope called Demir Kapu, Iskoftepe, Kadimesar Balkan, and Aiji Gedük up to Kapetnik Balkan, and thus joins the former administrative frontier of the Sandjak of Sofia.

From Kapetnik Balkan the frontier is indicated by the watershed between the valleys of the Rilska reka and of the Bistrica reka, and follows the ridge called Vodenica Planina, descending into the valley of the Struma at the junction of this river with the Rilska reka, leaving the village of Barakli to Turkey. It ascends then south of

the village of Jelešnica, and reaches by the shortest line the chain of Golema Planina at the summit of Gitka, and rejoins there the former administrative frontier of the Sandjak of Sofia, leaving, however, to Turkey the whole of the basin of the Suha reka.

From Mount Gitka the western frontier goes towards Mount Crni Vrh by the mountains of Karvena Jabuka, following the former administrative limit of the Sandjak of Sofia in the upper part of the basins of Egrisu and of the Lepnica, ascends with it the crests of Babina Polana, and reaches Mount Crni Vrh.

Boundary between Bulgaria and Servia.

From Mount Crni Vrh the frontier follows the watershed between the Struma and the Morava by the summits of the Strešer, Vilogolo, and Mešid Planina, rejoins by the Gačina, Crna Trava, Darkovska, and Drainica Plan, then the Deščani Kladanec, the watershed of the High Sukowa and of the Morava, goes straight to the Stol, and descends from it so as to cut the road from Sofia to Pirot, 1,000 metres north-west of the village of Seguša. It ascends in a straight line the Vidlic Planina and thence Mount Radočina in the chain of the Kodža Balkan, leaving to Servia the village of Doikinci, and to Bulgaria that of Senakos.

From the summit of Mount Radočina the frontier follows towards the west the crest of the Balkans by Ciprovec Balkan and Stara Planina up to the former eastern frontier (*l'ancienne frontière orientale*) of the Principality of Servia, near to the Kula Smiljova Čuka, and thence that former frontier as far as the Danube, which it rejoins at Rakovitza.

Bulgaria. Delimitation by European Commission. Balkan Frontiers of Eastern Roumelia. Non-erection of Fortifications.

This delimitation shall be fixed on the spot by the European Commission, on which the Signatory Powers shall be represented. It is understood—

1. That this Commission will take into consideration the necessity for His Imperial Majesty the Sultan to be able to defend the Balkan frontiers of Eastern Roumelia.

2. That no fortifications may be erected within a radius of 10 kilom. from Samakow.

Bulgaria. Election of Prince. Exclusion of Members of Reigning Dynasties of Great European Powers.

ARTICLE III. The Prince of Bulgaria shall be freely elected by the population and confirmed by the Sublime Porte, with the assent of the Powers. No member of the Reigning Dynasties of the Great European Powers may be elected Prince of Bulgaria.

Bulgaria. Election of Prince in case of a Vacancy.

In case of a vacancy in the princely dignity, the election of the new Prince shall take place under the same conditions and with the same forms.

Bulgaria. Assembly of Notables to draw up Organic Law at Tirnovo.

ARTICLE IV. An Assembly of Notables of Bulgaria, convoked at Tirnovo, shall, before the election of the Prince, draw up the Organic Law of the Principality.

Rights and Interests of different Populations to be considered.

In the districts where Bulgarians are intermixed with Turkish, Roumanian, Greek, or other populations, the rights and interests of these populations shall be taken into consideration as regards the elections and the drawing up of the Organic Law

Bulgaria. Basis of Public Law.

ARTICLE V. The following points shall form the basis of the public law of Bulgaria :—

Bulgaria. Civil and Political Rights. Exercise of Professions and Industries by all, irrespective of Religious Creeds.

The difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honours, or the exercise of the various professions and industries in any locality whatsoever.

Bulgaria. Freedom of Religious Worship.

The freedom and outward exercise of all forms of worship are assured to all persons belonging to Bulgaria, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions, or to their relations with their spiritual chiefs.

Bulgaria. Provisional Administration by a Russian Commissary, assisted by a Turkish Commissary and by Consuls delegated by the Powers, until completion of Organic Law.

ARTICLE VI. The provisional administration of Bulgaria shall be under the direction of an Imperial Russian Commissary until the completion of the Organic Law. An Imperial Turkish Commissary, as well as the Consuls delegated *ad hoc* by the other Powers, signatory of the present Treaty, shall be called to assist him so as to control the working of this provisional *régime*. In case of disagreement amongst the Consular Delegates, the vote of the majority shall be accepted, and in case of a divergence between the majority and the Imperial Russian Commissary or the Imperial Turkish Commissary, the Representatives of the Signatory Powers at Constantinople, assembled in Conference, shall give their decision.

Bulgaria. Provisional Régime not to extend beyond Nine Months.

ARTICLE VII. The provisional *régime* shall not be prolonged beyond a period of nine months from the exchange of the ratifications of the present Treaty.

Bulgaria. Prince to be elected as soon as Organic Law is completed.

When the Organic Law is completed the election of the Prince of Bulgaria shall be proceeded with immediately. As soon as the Prince shall have been installed, the new organization shall be put into force, and the Principality shall enter into the full enjoyment of its autonomy.

Bulgaria. Commercial Treaties, &c., between Foreign Powers and the Porte, to remain in force.

ARTICLE VIII. The Treaties of Commerce and of Navigation as well as all the Conventions and arrangements concluded between Foreign Powers and the Porte, and now in force, are maintained in the Principality of Bulgaria, and no change shall be made in them with regard to any Power without its previous consent.

Bulgaria. No Transit Duties to be levied.

No transit duties shall be levied in Bulgaria on goods passing through that Principality.

Bulgaria. Equality of treatment for the Subjects, Citizens, and Commerce of all the Powers.

The subjects and citizens and commerce of all the Powers shall be treated in the Principality on a footing of strict equality.

Bulgaria. Immunities and Privileges of Foreigners. Consular Jurisdiction and Protection.

The immunities and privileges of foreigners, as well as the rights of Consular jurisdiction and protection as established by the Capitulations and usages, shall remain in full force so long as they shall not have been modified with the consent of the parties concerned.

Bulgaria. Tribute to Suzerain Court. Amount to be fixed by Signatory Powers.

ARTICLE IX. The amount of the annual Tribute which the Principality of Bulgaria shall pay to the Suzerain Court—such amount being paid into whatever bank the Porte may hereafter designate—shall be fixed by an agreement between the Powers Signatory of the present Treaty at the close of the first year of the working of the new organization. This Tribute shall be calculated on the mean revenue of the territory of the Principality.

Bulgaria. Portion of Ottoman Public Debt to be paid by the Principality.

As Bulgaria is to bear a portion of the Public Debt of the Empire, when the Powers fix the Tribute, they shall take into consideration what portion of that Debt can, on the basis of a fair proportion, be assigned to the Principality.

Bulgaria. Acceptance of Obligations towards Rustchuck-Varna Railway Company.

ARTICLE X. Bulgaria takes the place of the Imperial Ottoman Government in its undertakings and obligations towards the Rustchuck-Varna Railway Company, dating from the exchange of the ratifications of the present Treaty. The settlement of the previous accounts is reserved for an understanding between the Sublime Porte, the Government of the Principality, and the administration of this Company.

Bulgaria. Acceptance of Obligations in respect of other Railways of European Turkey in Principality.

The Principality of Bulgaria likewise, so far as it is concerned, takes the place of the Sublime Porte in the engagements which the latter has contracted, as well towards Austria-Hungary as towards the Company, for working the Railways of European Turkey in respect to the completion and connexion, as well as the working of the Railways situated in its territory.

Bulgaria. Railway Conventions to be concluded with Austria-Hungary, the Porte, and Servia.

The Conventions necessary for the settlement of these questions shall be concluded between Austria-Hungary, the Porte, Servia, and the Principality of Bulgaria immediately after the conclusion of peace.

Bulgaria. Turkish Evacuation. Demolition of Fortresses.

ARTICLE XI. The Ottoman army shall no longer remain in Bulgaria; all the old fortresses shall be razed at the expense of the Principality within one year or sooner if possible; the local Government shall immediately take steps for their demolition, and shall not construct fresh ones.

Bulgaria. Disposal of War Material, &c., in Fortresses of Danube, Shumla, and Varna.

The Sublime Porte shall have the right of disposing as it likes of the war material and other effects belonging to the Ottoman Government which may have remained in the fortresses of the Danube already evacuated in virtue of the Armistice of the 31st January, as well as of those in the strongholds of Shumla and Varna.

Bulgaria. Right of Non-resident Mussulman Proprietors and others to hold Real Property.

ARTICLE XII. Mussulman proprietors or others who may take up their abode outside the Principality may continue to hold there their real property, by farming it out, or having it administered by third parties.

Bulgaria. State Property and Religious Foundations (Vakoufs). Appointment of a Turco-Bulgarian Commission.

A Turco-Bulgarian Commission shall be appointed to settle, within a period of two years, all questions relative to the mode of alienation, working, or use on the account of the Sublime Porte, of property belonging to the State and religious foundations (Vakoufs), as well as of the questions regarding the interests of private persons engaged therein.

Bulgarians travelling or dwelling in other parts of Turkey, subject to Ottoman Authorities and Laws.

Persons belonging to the Principality of Bulgaria, who shall travel or dwell in the other parts of the Ottoman Empire, shall be subject to the Ottoman authorities and laws.

Eastern Roumelia. Formation of Province under a Christian Governor-General.

ARTICLE XIII. A province is formed south of the Balkans which will take the name of 'Eastern Roumelia', and will remain under the direct political and military authority of His Imperial Majesty the Sultan, under conditions of administrative autonomy. It shall have a Christian Governor-General.

Eastern Roumelia. Boundaries.

ARTICLE XIV. Eastern Roumelia is bounded on the north and north-west by Bulgaria, and comprises the territories included by the following line :—

Boundary between Eastern Roumelia and Bulgaria.

Starting from the Black Sea the frontier follows upwards from its mouth the mid-channel of the brook near which are situated the villages of Hodžakiöj, Selam-Kiöj, Aivadšik, Kulibe, Sudžuluk, crosses obliquely the Valley of the Deli Kamčik, passes south of Belibe and Kemhalik, and north of Hadžimahalc, after having crossed the Deli-Kamčik at $2\frac{1}{2}$ kilom. above Čengei ; reaches the crest at a point situated between Tekenlik and Aidos-Bredza, and follows it by Karnabad Balkan, Prisevica Balkan, Kazan Balkan to the north of Kotel as far as Demir Kapu. It proceeds by the principal chain of the Great Balkan, the whole length of which it follows up to the summit of Kosica.

At this point the western frontier of Roumelia leaves the crest of the Balkan, descends southwards between the villages of Pirtop and Dužanci—the one being left to Bulgaria and the other to Eastern Roumelia, as far as the brook of Tuzlu Dere, follows that stream to its junction with the Topolnica, then the latter river until it meets the Smovskio Dere near the village of Petričevo, leaving to Eastern Roumelia a zone with a radius of 2 kilom. above that junction, ascends between the brooks of Smovskio Dere and the Kamenica, following the line of the watershed so as to turn to the south-west at the level of Voinjak and reach directly the point 875 of the Austrian Staff map.

The frontier line cuts at right angles the upper basin of the brook of Ichtiman Dere, passes between Bogdina and Karaúla, so as to rejoin the line of the watershed separating the basins of the Isker and the Marica, between Čamurli and Hadžilar, follows that line by the summits of Velina Mogila, the 'col' 531, Zmailica Vrh, Sumnatica, and rejoins the administrative boundary of the Sandjak of Sofia between Sivri Taš and Čadir Tepe.

Southern Boundary of Eastern Roumelia.

The frontier of Roumelia leaves that of Bulgaria at Mount Čadir Tepe, following the line of the watershed between the basins of the Maritza and of its affluents on one side, and of the Mesta Karasu and of its affluents on the other, and takes the direction south-east and then south along the crest of the Despoto Dagh Mountains, towards Mount Kruschowa (whence starts the frontier line of the Treaty of San Stefano).

From Mount Kruschowa the frontier is the same as the line laid down by the Treaty of San Stefano, that is to say, the chain of the Black Balkans (Kara Balkan), the mountains Kulaghy-Dagh, Eschek-Tschepellü, Karakolas, and Ischiklar, from whence it descends due south-east till it reaches the River Arda, and follows the mid-channel of this river up to a point close to the village of Adacali, which remains to Turkey.

From this point the frontier line ascends the crest of the Beštepe-Dagh, which it follows, then descends and crosses the Maritza, at a point situated 5 kilom. above the bridge of Mustafa Pasha; thence it takes a northerly direction by the line of the watershed between Demirhanli Dere and the small affluents of the Maritza to Küdeler Baïr, whence it runs east to Sakar Baïr; from this point it crosses the valley of the Tundža in the direction of Büjük Derbend, which is left to the north, as also is Soudzak. From Büjük Derbend it regains the line of the watershed between the affluents of the Tundža on the north and those of the Maritza on the south, up to the level of Kaibilar, which is included in Eastern Roumelia, and passes to the south of V. Almali between the basin of the Maritza to the south and the various streams which flow straight into the Black Sea, between the villages of Belevrin and Alatli; it follows to the north of Karanlik the crests of Vosna and Zuvak, the line which separates the waters of the Duka and those of the Karagac-Su, and rejoins the Black Sea between those two rivers.

Eastern Roumelia. Right of Sultan. Fortifications on Frontiers (Balkan Passes).

Article XV. His Majesty the Sultan shall have the right of providing for the defence of the land and sea frontiers of the province by erecting fortifications on those frontiers, and maintaining troops there.

Eastern Roumelia. Maintenance of Internal Order. Irregular Troops, Bashi-Bazouks, and Circassians.

Internal order is maintained in Eastern Roumelia by a native gendarmerie assisted by a local militia.

In forming these corps, the officers of which are nominated by the Sultan, regard shall be paid in the different localities to the religion of the inhabitants.

His Imperial Majesty the Sultan undertakes not to employ irregular troops, such as Bashi-Bazouks and Circassians, in the garrisons of the frontiers. The regular troops detailed for this service must not in any case be billeted on the inhabitants. When they pass through the province they shall not make a stay there.

Eastern Roumelia. Right to summon Ottoman Troops in case of need. Powers to be informed.

ARTICLE XVI. The Governor-General shall have the right of summoning the Ottoman troops in the event of the internal or external security of the province being threatened. In such an eventuality the Sublime Porte shall inform the Representatives of the Powers at Constantinople of such a decision, as well as of the exigencies which justify it.

Eastern Roumelia. Governor-General to be nominated by the Porte, with assent of Powers, for Five Years.

ARTICLE XVII. The Governor-General of Eastern Roumelia shall be nominated by the Sublime Porte, with the assent of the Powers, for a term of five years.

Eastern Roumelia. Appointment of European Commission to arrange organization. Duties of Commission.

ARTICLE XVIII. Immediately after the exchange of the ratifications of the present Treaty, a European Commission shall be formed to arrange, in concert with the Ottoman Porte, the organization of Eastern Roumelia. This Commission will have to determine, within three months, the powers and functions of the Governor-General, as well as the administrative, judicial, and financial system of the province, taking as its basis the various laws for the vilayets and the proposals made in the eighth sitting of the Conference of Constantinople.

Eastern Roumelia. Firman to be communicated to the Powers.

The whole of the arrangements determined on for Eastern Roumelia shall form the subject of an Imperial Firman, which will be issued by the Sublime Porte, and which it will communicate to the Powers.

Eastern Roumelia. European Commission to administer Finances of Province.

ARTICLE XIX. The European Commission shall be charged to administer, in concert with the Sublime Porte, the finances of the province until the completion of the new organization.

Eastern Roumelia. Treaties, &c., between Foreign Powers and the Porte, to remain in force. Immunities and Privileges of Foreigners. Religious Liberty.

ARTICLE XX. The Treaties, Conventions, and international arrangements of any kind whatsoever, concluded or to be concluded between the Porte and foreign Powers, shall apply in Eastern Roumelia as in the whole Ottoman Empire. The immunities and privileges acquired by foreigners, whatever their status, shall be respected in this province. The Sublime Porte undertakes to enforce there the general laws of the Empire on religious liberty in favour of all forms of worship.

Eastern Roumelia. Rights and Obligations of Turkey with regard to Railways.

ARTICLE XXI. The rights and obligations of the Sublime Porte with regard to the Railways of Eastern Roumelia are maintained in their integrity.

Bulgaria and Eastern Roumelia. Russian Occupation.

ARTICLE XXII. The strength of the Russian corps of occupation in Bulgaria and Eastern Roumelia, which shall be composed of six divisions of infantry and two divisions of cavalry, shall not exceed 50,000 men. It shall be maintained at the expense of the country occupied. The army of occupation will preserve its communications with Russia not only through Roumania, in accordance with arrangements to be concluded between the two States, but also

through the ports of the Black Sea, Varna, and Bourgas, where it may, during the period of occupation, organize the necessary depôts.

Bulgaria and Eastern Roumelia. Period of Occupation.

The period of the occupation of Eastern Roumelia and Bulgaria by the Imperial Russian troops is fixed at nine months from the date of the exchange of the ratifications of the present Treaty.

Roumania. Period for Russian Evacuation.

The Imperial Russian Government undertakes that within a further period of three months the passage of its troops across Roumania shall cease, and that Principality shall be completely evacuated.

Crete. Application of Organic Law of 1868.

ARTICLE XXIII. The Sublime Porte undertakes scrupulously to apply in the Island of Crete the Organic Law of 1868 with such modifications as may be considered equitable.

Organic Laws. Laws similar to Organic Law for Crete to be introduced into other parts of Turkey in Europe, except exemption from Taxation.

Similar laws adapted to local requirements, excepting as regards the exemption from taxation granted to Crete, shall also be introduced into the other parts of Turkey in Europe for which no special organization has been provided by the present Treaty.

Organic Laws. Special Commission to settle details of new Laws.

The Sublime Porte shall depute special Commissions, in which the native element shall be largely represented, to settle the details of the new laws in each province.

The schemes of organization resulting from these labours shall be submitted for examination to the Sublime Porte, which, before promulgating the Acts for putting them into force, shall consult the European Commission instituted for Eastern Roumelia.

Greece. Rectification of Frontier. Powers may offer Mediation in case of Disagreement between Turkey and Greece.

ARTICLE XXIV. In the event of the Sublime Porte and Greece being unable to agree upon the rectification of frontier suggested in the 13th Protocol of the Congress of Berlin, Germany, Austria-Hungary, France, Great Britain, Italy, and Russia reserve to themselves to offer their mediation to the two parties to facilitate negotiations.

Bosnia and Herzegovina. To be occupied and administered by Austria-Hungary, Sandjak of Novi-Bazar excepted, with right of Austria-Hungary to keep Garrisons, and to have Military and Commercial Roads.

ARTICLE XXV. The Provinces of Bosnia and Herzegovina shall be occupied and administered by Austria-Hungary. The Government of Austria-Hungary, not desiring to undertake the administration of the Sandjak of Novi-Bazar, which extends between Servia and Montenegro in a south-easterly direction to the other side of Mitrovitza, the Ottoman Administration will continue to exercise its functions there. Nevertheless, in order to assure the maintenance of the new political state of affairs, as well as freedom and security of communications, Austria-Hungary reserves the right of keeping garrisons and having military and commercial roads in the whole of this part of the ancient Vilayet of Bosnia.[1] To this end the Governments of Austria-Hungary and Turkey reserve to themselves to come to an understanding on the details.

Montenegro. Independence.

ARTICLE XXVI. The independence of Montenegro is recognized by the Sublime Porte and by all those of the High Contracting Parties who had not hitherto admitted it.

Montenegro. Conditions :—Civil and Political Rights, &c. Exercise of Professions and Industries by all, irrespective of Religious Creeds.

ARTICLE XXVII. The High Contracting Parties are agreed on the following conditions :—

In Montenegro the difference of religious creeds and con-

[1] The Austrian garrisons were withdrawn from the Sandjak in 1908. In 1913 the district was divided between Serbia and Montenegro after the conclusion of the Second Balkan War.

fessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honours, or the exercise of the various professions and industries in any locality whatsoever.

Montenegro. Freedom of Religious Worship.

The freedom and outward exercise of all forms of worship shall be assured to all persons belonging to Montenegro, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions, or to their relations with their spiritual chiefs.

Montenegro. Boundaries.

ARTICLE XXVIII. The new frontiers of Montenegro are fixed as follows :—

Starting at Ilino-brdo to the north of Klobuk, the line descends to the Trebinjčica towards Grančarevo, which remains to Herzegovina, then ascends the course of that river up to a point 1 kilom. below its confluence with the Čepelica, and from thence passes by the most direct line on to the heights which border the River Trebinjčica. It then proceeds in the direction of Pilatova, leaving that village to Montenegro, and continues along the heights in a northerly direction, maintaining as far as possible a distance of 6 kilom. from the Bilek-Korito-Gacko road, up to the 'col' between the Somina Planina and Mount Čurilo, whence it proceeds in an easterly direction by Vratkoviči, leaving this village to Herzegovina, up to Mount Orline. Starting from this point the frontier, leaving Ravno to Montenegro, goes straight to the north-north-east, crossing the summits of the Leberšnik and of the Volujak, then descends by the shortest line on to the River Piva, which it crosses, and rejoins the River Tara, passing between Crkvica and Nedvina. From this point it ascends the Tara to Mojkovac, from which place it passes along the crest of the ridge as far as Siškojezero. Leaving this point, it coincides with the former frontier as far as the village of Sekulare. From there the new frontier passes along the crests of the Mokra Planina, the village of Mokra remaining to Montenegro; it then reaches

the point 2166 on the Austrian Staff Map, following the principal chain and the line of the watershed between the Lim on the one side, and the Drin as well as the Cievna (Zem) on the other.

It then coincides with the existing boundaries between the tribe of the Kuči-Drekaloviči on one side, and the Kučka-Krajna, as well as the tribes of the Klementi and Grudi, on the other, to the plain of Podgorica, from whence it proceeds towards Plavnica, leaving the Klementi, Grudi, and Hoti tribes to Albania.

Thence the new frontier crosses the lake near the Islet of Gorica-Topal, and, from Gorica-Topal, takes a straight line to the top of the crest, whence it follows the watershed between Megured and Kalimed, leaving Mrkovič to Montenegro, and reaching the Adriatic at V. Kruči.

On the north-west the frontier will be formed by a line passing from the coast between the villages of Sušana and Zubči, and terminating at the extreme south-east point of the existing frontier of Montenegro on the Vrsuta Planina.

Montenegro. Annexation of Antivari and its Sea-board. Conditions :—Dulcigno ; Spizza ; Navigation of the Boyana ; Port of Antivari ; No Ships of War ; No Flag of War ; Fortifications, Commerce, &c.

Article XXIX. Antivari and its sea-board are annexed to Montenegro under the following conditions :—

The districts situated to the south of that territory, in accordance with the delimitation above laid down, as far as the Boyana, including Dulcigno, shall be restored to Turkey.[1]

The Commune of Spiča,[2] as far as the southernmost point of the territory indicated in the detailed description of the frontiers, shall be incorporated with Dalmatia.

Montenegro shall have full and complete freedom of navigation on the Boyana. No fortifications shall be constructed on the course of that river except such as may be necessary for the local defence of the stronghold of

[1] Dulcigno was annexed to Montenegro by the Convention of Konia, November 25, 1880 ; Hertslet, vol. iv, No. 579.

[2] Spiča (or Spizza) was annexed to the Austrian Kingdom of Dalmatia on April 15, 1879 (see Austrian Law of this date, in Hertslet, vol. iv, No. 544).

Scutari, and they shall not extend beyond a distance of 6 kilom. from that town.

Montenegro shall have neither ships of war nor flag of war.

The port of Antivari and all the waters of Montenegro shall remain closed to the ships of war of all nations.

The fortifications situated on Montenegrin territory between the lake and the coast shall be razed, and none shall be rebuilt within this zone.

The administration of the maritime and sanitary police, both at Antivari and along the coast of Montenegro, shall be carried out by Austria-Hungary by means of light coast-guard boats.

Montenegro shall adopt the maritime code in force in Dalmatia. On her side Austria-Hungary undertakes to grant Consular protection to the Montenegrin merchant flag.

Montenegro shall come to an understanding with Austria-Hungary on the right to construct and keep up across the new Montenegrin territory a road and a railway.

Absolute freedom of communication shall be guaranteed on these roads.

Montenegro. Right of Non-resident Mussulmans and others to hold Real Property.

ARTICLE XXX. Mussulmans or others possessing property in the territories annexed to Montenegro, who may wish to take up their residence outside the Principality, can retain their real property either by farming it out, or by having it administered by third parties.

Montenegro. Indemnity on Expropriation.

No one shall be liable to be expropriated otherwise than by legal process for the public welfare, and with a previous indemnity.

Montenegro. Turco-Montenegrin Commission to settle mode of Alienation.

A Turco-Montenegrin Commission shall be appointed to settle, within a period of three years, all questions relative to the mode of alienation, working, or use, on the account of the Sublime Porte, of property belonging to the State

and religious foundations (Vakoufs), as well as of the questions regarding the interests of private parties engaged therein.

Montenegro. Appointment of Agents at Constantinople and other Places.

ARTICLE XXXI. The Principality of Montenegro shall come to a direct understanding with the Ottoman Porte with regard to the establishment of Montenegrin agents at Constantinople, and at certain places in the Ottoman Empire where the necessity for them shall be admitted.

Montenegrins travelling in Turkey to be subject to Ottoman Laws and Authorities.

Montenegrins travelling or residing in the Ottoman Empire shall be subject to the Ottoman laws and authorities, according to the general principles of international law, and the customs established with regard to Montenegrins.

Montenegrin Troops to evacuate Turkish Territory.

ARTICLE XXXII. The Montenegrin troops shall be bound to evacuate within twenty days from the date of the ratification of the present Treaty, or sooner if possible, the territory that they occupy at present beyond the new limits of the Principality.

Montenegrin Territories to be evacuated by Ottoman Troops.

The Ottoman Troops shall evacuate the territories ceded to Montenegro within the same period of twenty days. A supplementary period of fifteen days shall, however, be granted to them, as well for evacuating the fortresses and withdrawing the stores and material of war from them, as for drawing up inventories of the implements and articles which cannot be immediately removed.

Montenegro. Payment of portion of Ottoman Public Debt.

ARTICLE XXXIII. As Montenegro is to bear a portion of the Ottoman public debt for the new territories assigned to her by the Treaty of Peace, the Representatives of the Powers at Constantinople shall determine the amount of the same in concert with the Sublime Porte on an equitable basis.

Servia. Conditional recognition of Independence.

ARTICLE XXXIV. The High Contracting Parties recognize the independence of the Principality of Servia, subject to the conditions set forth in the following Article.

Servia. Civil and Political Rights. Exercise of Professions and Industries by all, irrespective of Religious Creeds.

ARTICLE XXXV. In Servia the difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honours, or the exercise of the various professions and industries, in any locality whatsoever.

Servia. Freedom of Religious Worship.

The freedom and outward exercise of all forms of worship shall be assured to all persons belonging to Servia, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions, or to their relations with their spiritual chiefs.

Servia. Boundaries.

ARTICLE XXXVI. Servia receives the territories included in the following delimitation :—

Boundary between Servia and Bosnia : Little Zwornik and Sakhar.

The new frontier follows the existing line ascending the mid-channel of the Drina from its confluence with the Save, leaving Mali Zwornik and Sakhar to the Principality, and continues to follow the former boundary of Servia as far as the Kopaonik, leaving it at the *summit of the Kanilug*. From that point it follows at first the western boundary of the Sandjak of Nisch by the *southern spur of the Kopaonik*, by the crests of the Marica and Mrdar Planina, which form the watershed between the basins of the Ibar and Sitnica on one side, and that of the Toplica on the other, leaving Prepolac to Turkey.

Boundary between Servia and Turkey (Macedonia).

It then turns to the south by the watershed between the Brvenica and the Medvedja, leaving the whole of the basin of the Medvedja to Servia; follows the crests of the Goljak Planina (which forms the watershed between the Kriva-Rjeka on one side, and the Poljanica, Veternica, and Morawa on the other), as far as the summit of the Poljanica. It then follows the spur of the Karpina Planina as far as the confluence of the Koinska and the Morawa, crosses this river, and ascends by the watershed between the Koinska brook and the stream which falls into the Morawa near Neradovce, to reach the Sv. Ilija Planina above Trgovište. Thence it follows the crest of the Sv. Ilija as far as Mount Kljuc, and passing by the points marked 1516 and 1547 on the map, and by the Babina Gora, it reaches Mount Crni-Vrh.

Boundary between Servia and Bulgaria.

From Mount Crni-Vrh the new delimitation coincides with that of Bulgaria, that is to say:—

The line of frontier follows the watershed between the Struma and the Morawa by the summits of Strešer, Vilogolo, and *Mešid Planina*, rejoins by the *Gačina, Crna Trava, Darkovska*, and *Drainica Plan*, then the Deščani Kladanec, the watershed of the High Sukowa and of the Morawa, goes straight to the Stol, and descends from it so as to cut the road from Sofia to Pirot, 1,000 metres north-west of the village of Seguša. It ascends in a straight line the Vidlič Planina, and thence *Mount Radočina* in the chain of the Kodža Balkan, leaving to Servia the village of Doikinci, and to Bulgaria that of Senakos.

From the summit of Mount Radočina the frontier follows towards the north-west the crest of the Balkans by Ciprovec Balkan and Stara Planina up to the former eastern frontier (*l'ancienne frontière orientale*) of the Principality of Servia, near to the Kula Smiljova Čuka, and thence that former frontier as far as the Danube, which it joins at Rakovitza.[1]

Servia. Commercial Intercourse with Foreign Countries.

Article XXXVII. Until the conclusion of fresh arrangements no change shall be made in Servia in the actual conditions of the commercial intercourse of the Principality with foreign countries.

[1] The names of places printed in italics in this Article could not be identified by the Boundary Commissioners.

Servia. No Transit Duties to be levied.

No transit duties shall be levied on goods passing through Servia.

Servia. Immunities and Privileges of Foreigners. Consular Jurisdiction and Protection.

The immunities and privileges of foreign subjects, as well as the rights of Consular jurisdiction and protection, as at present existing, shall remain in full force so long as they shall not have been modified by mutual consent between the Principality and the Powers concerned.

Servia. Acceptance of Engagements of the Porte with regard to Railways in the Principality (Balkan Railways).

ARTICLE XXXVIII. The Principality of Servia takes the place, so far as it is concerned, of the Sublime Porte in the engagements which the latter has contracted as well towards Austria-Hungary as towards the Company for the working of the Railways of Turkey in Europe, in respect to the completion and connexion, as well as the working of the Railways to be constructed on the territory newly acquired by the Principality.

Servia. Conventions respecting Railways to be concluded with Austria-Hungary, the Porte, and Bulgaria.

The Conventions necessary for settling these questions shall be concluded, immediately after the signature of the present Treaty, between Austria-Hungary, the Porte, Servia, and, within the limits of its competency, the Principality of Bulgaria.

Servia. Right of Non-resident Mussulman Proprietors and others to hold Real Property.

ARTICLE XXXIX. Mussulmans possessing property in the territories annexed to Servia, who may wish to reside outside the Principality, may retain their real property, either by farming it out or by having it administered by third parties.

Servia. Appointment of a Turco-Servian Commission. Religious Foundations, &c. (Vakoufs).

A Turco-Servian Commission shall be appointed to settle, within a period of three years, all questions relative to the mode of alienation, working, or use, on the account of the Sublime Porte, of the property belonging to the State and religious foundations (Vakoufs), as well as of the questions regarding the interests of private persons engaged therein.

Servians travelling or residing in Turkey.

ARTICLE XL. Until the conclusion of a Treaty between Turkey and Servia, Servian subjects travelling or residing in the Ottoman Empire shall be treated according to the general principles of international law.

Servian Troops to evacuate Turkish Territory.

ARTICLE XLI. The Servian troops shall be bound to evacuate within fifteen days from the exchange of the ratifications of the present Treaty the territory not comprised within the new limits of the Principality.

Servia. Evacuation of Ceded Territories by Ottoman Troops.

The Ottoman troops shall evacuate the territories ceded to Servia within the same term of fifteen days. A supplementary term of an equal number of days shall, however, be granted to them as well for evacuating the fortresses and withdrawing the provisions and material of war as for drawing up the inventory of the implements and objects which cannot be removed at once.

Servia. Payment of portion of Ottoman Public Debt.

ARTICLE XLII. As Servia is to bear a portion of the Ottoman Public Debt for the new territories assigned to her by the present Treaty, the Representatives at Constantinople shall fix the amount of it in concert with the Sublime Porte on an equitable basis.

Roumania. Conditional recognition of Independence.

ARTICLE XLIII. The High Contracting Parties recognize the independence of Roumania, subject to the conditions set forth in the two following Articles.

Roumania. Civil and Political Rights. Exercise of Professions and Industries by all, irrespective of Religious Creeds.

ARTICLE XLIV. In Roumania the difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honours, or the exercise of the various professions and industries in any locality whatsoever.

Roumania. Freedom of Religious Worship.

The freedom and outward exercise of all forms of worship shall be assured to all persons belonging to the Roumanian State, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions, or to their relations with their spiritual chiefs.

Roumania. Equal Treatment to Foreigners.

The subjects and citizens of all the Powers, traders or others, shall be treated in Roumania, without distinction of creed, on a footing of perfect equality.

Roumania. Restoration to Russia of portion of Bessarabian Territory, detached from Russia in 1856.

ARTICLE XLV. The Principality of Roumania restores to His Majesty the Emperor of Russia that portion of the Bessarabian territory detached from Russia by the Treaty of Paris of 1856, bounded on the west by the mid-channel of the Pruth, and on the south by the mid-channel of the Kilia Branch and the Stary-Stamboul mouth.

Roumania. Acquisition of Islands forming Delta of the Danube; the Isle of Serpents; the Sandjak of Toultcha; and a portion of Territory to the South of the Dobroutcha.

ARTICLE XLVI. The islands forming the Delta of the Danube, as well as the Isle of Serpents, the Sandjak of Toultcha, comprising the districts (cazas) of Kilia, Soulina, Mahmoudié, Isaktcha, Toultcha, Matchin, Babadagh, Hirsovo, Kustendje, Medjidié, are added to Roumania. The Principality receives in addition the territory situated

to the south of the Dobroutcha as far as a line starting from the east of Silistria and terminating on the Black Sea, south of Mangalia.

Roumania. Frontier to be determined by European Commission of Bulgaria.

The frontier line shall be determined on the spot by the European Commission appointed for the delimitation of Bulgaria.

Roumania. Arbitration on Division of Waters and Fisheries.

ARTICLE XLVII. The question of the division of the waters and the fisheries shall be submitted to the arbitration of the European Commission of the Danube.

Roumania. No Transit Duties to be levied.

ARTICLE XLVIII. No transit dues shall be levied in Roumania on goods passing through the Principality.

Roumania. Conclusion of Consular Conventions with regard to Protection. Maintenance of existing Rights.

ARTICLE XLIX. Roumania shall have power to make Conventions to determine the privileges and attributes of Consuls in regard to protection within the Principality. Existing rights shall remain in force so long as they shall not have been modified by the mutual consent of the Principality and the parties concerned.

Roumania. Rights of respective Subjects travelling or residing in Turkey and in Roumania.

ARTICLE L. Until the conclusion of a Treaty between Turkey and Roumania, fixing the privileges and attributes of Consuls, Roumanian subjects travelling or residing in the Ottoman Empire, and Ottoman subjects travelling or residing in Roumania, shall enjoy the rights guaranteed to the subjects of other European Powers.

Roumania. Liability for Public Works and Enterprises in Ceded Territory.

ARTICLE LI. With regard to public works and other enterprises of a like nature, Roumania shall be substituted for the Sublime Porte as regards its rights and obligations throughout the ceded territory.

Danube. Fortresses and Fortifications to be razed. Vessels of War not to navigate the River below the Iron Gates. Exceptions.

ARTICLE LII. In order to increase the guarantees which assure the freedom of navigation on the Danube which is recognized as of European interest, the High Contracting Parties determine that all the fortresses and fortifications existing on the course of the river from the Iron Gates to its mouths shall be razed, and no new ones erected. No vessel of war shall navigate the Danube below the Iron Gates with the exception of vessels of light tonnage in the service of the river police and Customs. The 'stationnaires' of the Powers at the mouths of the Danube may, however, ascend the river as far as Galatz.

Danube. European Commission to be maintained. Roumania to be represented thereon. Extension to Galatz. Treaties, &c., confirmed.

ARTICLE LIII. The European Commission of the Danube on which Roumania shall be represented is maintained in its functions, and shall exercise them henceforth as far as Galatz in complete independence of the territorial authorities. All the Treaties, arrangements, acts, and decisions relating to its rights, privileges, prerogatives, and obligations are confirmed.

Danube. Prolongation of Powers of European Commission.

ARTICLE LIV. One year before the expiration of the term assigned for the duration of the European Commission (24 April, 1883) the Powers shall come to an understanding as to the prolongation of its powers, or the modifications which they may consider necessary to introduce.

Danube. Regulations respecting Navigation, &c., from Iron Gates to Galatz to be drawn up by European Commission and Delegates of Riverain States.

ARTICLE LV. The regulations respecting navigation, river police, and supervision from the Iron Gates to Galatz shall be drawn up by an European Commission, assisted by Delegates of the Riverain States, and placed in harmony with those which have been or may be issued for the portion of the river below Galatz.

Danube Commission. Lighthouse on Isle of Serpents.

ARTICLE LVI. The European Commission of the Danube shall come to an arrangement with the proper authorities to ensure the maintenance of the lighthouse on the Isle of Serpents.

Danube. Execution of Works at Iron Gates and Cataracts entrusted to Austria-Hungary.

ARTICLE LVII. The execution of the works which have for their object the removal of the obstacles which the Iron Gates and the Cataracts place in the way of navigation is entrusted to Austria-Hungary. The Riverain States on this part of the river shall afford every facility which may be required in the interest of the works.

Danube. Provisional Tax maintained in favour of Austria-Hungary.

The provisions of the VIth Article of the Treaty of London of the 13th March 1871, relating to the right of levying a provisional tax in order to cover the cost of these works, are maintained in favour of Austria-Hungary.

Asia. Cessions by Turkey to Russia. Ardahan, Kars, Batoum, &c. Frontier Line.

ARTICLE LVIII. The Sublime Porte cedes to the Russian Empire in Asia the territories of Ardahan, Kars, and Batoum, together with the latter port, as well as all the territories comprised between the former Russo-Turkish frontier and the following line :—

The new frontier starting from the Black Sea, and coinciding with the line laid down by the Treaty of San Stefano as far as a point to the north-west of Khorda, and to the south of Artwin, continues in a straight line as far as the River Tchoroukh, crosses this river and passes to the east of Aschmichen, going in a straight line to the south so as to rejoin the Russian frontier indicated in the Treaty of San Stefano, at a point to the south of Nariman, leaving the town of Olti to Russia. From the point indicated near Nariman the frontier turns to the east, passes by Tebrenec, which remains to Russia, and continues as far as the Pennek Tschaï.

It follows this river as far as Bardouz, then turns towards

the south, leaving Bardouz and Jönikioy to Russia. From a point to the west of the village of Karaougan, the frontier takes the direction of Medjingert, continues in a straight line towards the summit of the Mountain Kassadagh, and follows the line of the watershed between the affluents of the Araxes on the north and those of the Mourad Sou on the south, as far as the former frontier of Russia.

Asia. Batoum to be a Free Port.

ARTICLE LIX. His Majesty the Emperor of Russia declares that it is his intention to constitute Batoum a free port, essentially commercial.

Asia. Valley of Alaschkerd and Town of Bayazid restored to Turkey.

ARTICLE LX. The valley of Alaschkerd and the town of Bayazid, ceded to Russia by Article XIX of the Treaty of San Stefano, are restored to Turkey.

Asia. Cession of Khotour by Turkey to Persia.

The Sublime Porte cedes to Persia the town and territory of Khotour, as fixed by the mixed Anglo-Russian Commission for the delimitation of the frontiers of Turkey and of Persia.

Asia. Improvements and Reforms in favour of Armenians. Protection against Circassians and Kurds. The Powers to be kept periodically informed.

ARTICLE LXI. The Sublime Porte undertakes to carry out, without further delay, the improvements and reforms demanded by local requirements in the provinces inhabited by the Armenians, and to guarantee their security against the Circassians and Kurds.

It will periodically make known the steps taken to this effect to the Powers, who will superintend their application.

Religious Liberty.

ARTICLE LXII. The Sublime Porte having expressed the intention to maintain the principle of religious liberty, and give it the widest scope, the Contracting Parties take note of this spontaneous declaration.

Religion. Equal Civil and Political Rights.

In no part of the Ottoman Empire shall difference of religion be alleged against any person as a ground for exclusion or incapacity as regards the discharge of civil and political rights, admission to the public employments, functions and honours, or the exercise of the various professions and industries.

Religion. Evidence before Tribunals.

All persons shall be admitted, without distinction of religion, to give evidence before the tribunals.

Religious Worship.

The freedom and outward exercise of all forms of worship are assured to all, and no hindrance shall be offered either to the hierarchical organization of the various communions or to their relations with their spiritual chiefs.

Religion. Equal Rights to all Ecclesiastics, &c., travelling in Turkey.

Ecclesiastics, pilgrims, and monks of all nationalities travelling in Turkey in Europe, or in Turkey in Asia, shall enjoy the same rights, advantages, and privileges.

Religion. Protection of Ecclesiastics, &c., by Diplomatic and Consular Agents of the Powers.

The right of official protection by the Diplomatic and Consular Agents of the Powers in Turkey is recognized both as regards the above-mentioned persons and their religious, charitable, and other establishments in the Holy Places and elsewhere.

Religion. Rights of France and status quo *in Holy Places.*

The rights possessed by France are expressly reserved, and it is well understood that no alterations can be made in the *status quo* in the Holy Places.

Religion. Rights and Prerogatives of all Monks of Mount Athos.

The monks of Mount Athos, of whatever country they may be natives, shall be maintained in their former possessions and advantages, and shall enjoy, without any exception, complete equality of rights and prerogatives.

Maintenance of Treaties of 30 *March,* 1856, *and* 13 *March,* 1871 (*Dardanelles and Bosphorus, &c.*).

ARTICLE LXIII. The Treaty of Paris of March 30, 1856, as well as the Treaty of London of March 13, 1871, are maintained in all such of their provisions as are not abrogated or modified by the preceding stipulations.

Ratifications.

ARTICLE LXIV. The present Treaty shall be ratified, and the Ratifications exchanged at Berlin within three weeks, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed it, and affixed to it the seal of their arms.

Done at Berlin, the thirteenth day of the month of July, one thousand eight hundred and seventy-eight.

(L.S.) BEACONSFIELD.
(L.S.) SALISBURY.
(L.S.) ODO RUSSELL.
(L.S.) v. BISMARCK.
(L.S.) BÜLOW.
(L.S.) HOHENLOHE.
(L.S.) ANDRÁSSY.
(L.S.) KÁROLYI.
(L.S.) HAYMERLE.
(L.S.) WADDINGTON.
(L.S.) SAINT-VALLIER.
(L.S.) H. DESPREZ.
(L.S.) L. CORTI.
(L.S.) LAUNAY.
(L.S.) GORTCHAKOW.
(L.S.) SCHOUVALOFF.
(L.S.) P. D'OUBRIL.
(L.S.) AL. CARATHÉODORY.
(L.S.) MEHEMED ALI.
(L.S.) SADOULLAH.

TREATY OF PEACE BETWEEN GREECE, BULGARIA, MONTENEGRO, SERBIA ON THE ONE PART, AND TURKEY ON THE OTHER PART. London, May 17/30, 1913.[1]

ARTICLE I. There will be from the date of the exchange of the ratifications of the present treaty, peace and friendship between His Majesty the Emperor of the Ottomans on the one part, and their Majesties the Allied Sovereigns on the other part, as well as between their heirs and successors, their States and respective subjects in perpetuity.

ARTICLE II. His Majesty the Emperor of the Ottomans cedes to their Majesties the Allied Sovereigns all the territories of his Empire on the continent of Europe to the west of a line drawn from Enos on the Aegean Sea to Midia on the Black Sea with the exception of Albania. The exact line of the frontier from Enos to Midia will be determined by an international commission.

ARTICLE III. His Majesty the Emperor of the Ottomans and their Majesties the Allied Sovereigns declare that they remit to His Majesty the Emperor of Germany, His Majesty the Emperor of Austria, the President of the French Republic, His Majesty the King of Great Britain and Ireland, and His Majesty the Emperor of All the Russias, the care of settling the delimitation of the frontiers of Albania and all other questions concerning Albania.

ARTICLE IV. His Majesty the Emperor of the Ottomans declares that he cedes to their Majesties the Allied Sovereigns the Isle of Crete, and that he renounces in their favour all the rights of sovereignty and other rights which he possessed on that Isle.

ARTICLE V. His Majesty the Emperor of the Ottomans and their Majesties the Allied Sovereigns declare that they confide to His Majesty the Emperor of Germany, His Majesty the Emperor of Austria, the President of the French Republic, His Majesty the King of Great Britain and Ireland, His Majesty the King of Italy, and His Majesty the Emperor of All the Russias the task of deciding the destiny of all the Ottoman isles of the Aegean Sea excepting Crete, and of the Peninsula of Mount Athos.

ARTICLE VI. His Majesty the Emperor of the Ottomans and their Majesties the Allied Sovereigns declare that they

[1] In French. *Nouveau Recueil*, 3me série, t. viii.

remit the task of regulating questions of a financial kind resulting from the state of war just finished and from the territorial cession above mentioned, to the International Commission convened at Paris, to which they have deputed their representatives.

TREATY OF PEACE BETWEEN ROUMANIA, GREECE, MONTENEGRO, SERBIA, AND BULGARIA. Bucharest, July 28/August 10, 1913.[1]

ARTICLE I. There will be from the date of the day of the exchange of the ratifications of the present treaty, peace and friendship between His Majesty the King of Roumania, His Majesty the King of the Hellenes, His Majesty the King of Montenegro, His Majesty the King of Serbia, His Majesty the King of the Bulgarians, as well as between their heirs and successors, their States and respective subjects.

ARTICLE II. Between the Kingdom of Bulgaria and the Kingdom of Roumania, the old frontier between the Danube and the Black Sea is, conformably with the procès-verbal drawn up by the respective military delegates and annexed to the Protocol No. 5 of the 22nd of July (August 4th), 1913, of the Conference of Bucharest, rectified in the following manner :

The new frontier will start from the Danube above Turtukaïa and terminate at the Black Sea to the South of Ekrene.

Between these two extreme points the line of the frontier will follow the line indicated on the maps 1/100.000 and 1/200.000 of the Roumanian General Staff, and according to the description annexed to the present article.[2]

It is formally understood that Bulgaria will dismantle within two years at latest the existing fortifications, and will construct no others at Roustchouk, at Schoumla, in the country between, and in a zone of twenty kilometres round Baltchik.

A mixed commission, composed of representatives of the two High Contracting Parties, in equal numbers of

[1] In French. *Nouveau Recueil*, 3me série, t. viii.

[2] The Annexes to the Treaty, along with the official text of the Treaty itself, will be found in 'Le Traité de Paix de Bucarest du 28 Juillet (10 Août) 1913'—Bucarest, Imprimerie de l'État, 1913.

both sides, will be charged, in the fortnight following the signature of the present Treaty, to execute on the land a tracing of the new frontier, conformably to the preceding stipulations. This commission will preside at the partition of the funds and capitals which have belonged till now in common to districts, communes, or communities of inhabitants separated by the new frontier. In case of disagreement over the tracing and the measures for executing it, the two High Contracting Parties engage to address themselves to a third friendly Government to beg it to appoint an arbiter whose decision on the points in dispute shall be considered as final.

ARTICLE III. Between the Kingdom of Bulgaria and the Kingdom of Serbia, the frontier will follow conformably with the procès-verbal drawn up by the respective military delegates and annexed to the Protocol No. 9 of the 25th of July (August 7th), 1913, of the Conference of Bucharest, the following line :

The frontier line will start from the old frontier from the summit of Patarica, will follow the old Turco-Bulgarian frontier and the line of the watershed between the Vardar and the Strouma, with the exception of the upper valley of the Stroumitza, which will remain on Serbian territory ; it will terminate at the Belašiča Mountain, where it will bend back to the Graeco-Bulgarian frontier. A detailed description of this frontier and its indication on the map 1/200.000 of the Austrian General Staff are annexed to the present article.

A mixed commission, composed of representatives of the two High Contracting Parties, in equal number on both sides, will be charged, in the fortnight following the signature of the present Treaty, with executing on the land a tracing of the new frontier, conformably to the preceding stipulations. This commission will preside at the partition of the funds and capitals which have belonged till now in common to districts, communes, or communities of inhabitants separated by the new frontier. In case of disagreement over the tracing and the measures for executing it, the two High Contracting Parties engage to address themselves to a third friendly Government to beg it to appoint an arbiter whose decision on the points in dispute shall be considered as final.

ARTICLE IV. The questions relative to the old Serbo-

Bulgarian frontier will be regulated according to the understanding agreed upon by the two High Contracting Parties stated in the Protocol annexed to the present article.

ARTICLE V. Between the Kingdom of Greece and the Kingdom of Bulgaria the frontier will follow conformably with the procès-verbal drawn up by the respective military Delegates and annexed to the Protocol No. 9 of the 25th of July (August 7th), 1913, of the Conference of Bucharest, the following line :

The frontier line shall start from the new Serbo-Bulgarian frontier on the summit of Belašiča planina, to terminate at the mouth of the Mesta on the Aegean Sea.

Between these two extreme points, the frontier line will follow the tracing indicated on the map 1/200.000 of the Austrian General Staff and according to the description annexed to the present article.

A mixed commission, composed of representatives of the two High Contracting Parties, in equal numbers of both sides, will be charged, in the fortnight following the signature of the present Treaty, to execute on the land a tracing of the new frontier, conformably to the preceding stipulations. This commission will preside at the partition of the funds and capitals which have belonged till now in common to districts, communes, or communities of inhabitants separated by the new frontier. In case of disagreement over the tracing and the measures for executing it, the two High Contracting Parties engage to address themselves to a third friendly Government to beg it to appoint an arbiter whose decision on the points in dispute shall be considered as final.

It is formally understood that Bulgaria desists from henceforth, from every pretension to the Isle of Crete.

ARTICLE VI. The General Quarters of the respective armies shall be immediately informed of the signature of the present Treaty. The Bulgarian Government engages to reduce its army, on the day after this notification, to a peace footing. It will dispatch its troops to their garrisons, whither they will proceed, with the smallest delay, the various reserves being sent back to their homes.

Troops whose place of garrison is situated within the zone of occupation of the army of one of the High Contracting Powers, will be directed to another point of the old

Bulgarian territory, and will only be able to go to their usual place of garrison after the evacuation of the zone of occupation above mentioned.

ARTICLE VII. The evacuation of the Bulgarian territory, both old and new, will commence immediately after the demobilization of the Bulgarian army, and will be completed at the latest within the fortnight.

During this delay, for the Roumanian army, the zone of demarcation will be indicated by the line Sistov–Lovcea–Turski-Izvor–Glozene–Zlatitza–Mirkovo–Araba-Konak–Orchania–Mezdra–Vratza–Berkovitza–Lom–Danube.

ARTICLE VIII. During the occupation of the Bulgarian territories, the different armies will keep the right of requisition, on condition of payment in coin.

They will have the free use of the railway lines for the transport of troops and supplies of every kind, without there being any ground for indemnity to the local authority.

The sick and wounded shall be under the safeguard of the said armies.

ARTICLE IX. As soon as possible after the exchange of the ratifications of the present Treaty, all the prisoners of war shall be reciprocally given back.

The Governments of the High Contracting Parties shall each appoint special Commissioners charged with receiving the prisoners.

All the prisoners in the hands of one of the Governments shall be delivered to the commissioner of the Government to which they belong or to his representative duly authorized, at the place which shall be fixed by the interested parties.

The Governments of the High Contracting Parties shall respectively present one to the other, and as soon as possible after the release of all the prisoners, a statement of the direct expenses incurred by it for the care and entertainment of the prisoners, from the date of their capture or surrender until that of their death or release. Computation shall be made between the sums due by Bulgaria to one of the other High Contracting Parties and those due by these to Bulgaria, and the difference shall be paid to the creditor Government as soon as possible after the exchange of the statements of expenses above mentioned.

ARTICLE X. The present Treaty shall be ratified, and the ratifications of it shall be exchanged at Bucharest within the space of fifteen days or as soon as can be done.

In faith of which, the respective Plenipotentiaries have signed it and have affixed their seals to it.

Made at Bucarest the 28th day of the month of July (10th day of the month of August) of the year 1913.

(Signed)

For Roumania :

(L.S.) T. Maïoresco.
Al. Marghiloman.
Take Jonesco.
C. G. Dissesco.
General aide-de-camp Coanda.
Colonel C. Christesco.

For Serbia :

(L.S.) Nik. P. Pachitch.
M. G. Ristitch.
M. Spalaïkovitch.
Colonel K. Smilianitch.
Lt.-Colonel D. Kalafatovitch.

For Greece :

(L.S.) E. K. Veniselos.
D. Panas.
N. Politis.
Capitaine A. Exadactylos.
Capitaine C. Pali.

For Bulgaria :

(L.S.) D. Tontcheff.
Général Fitcheff.
Dr. S. Ivantchoff.
S. Radeff.
Lt.-Colonel Stancioff.

For Montenegro :

(L.S.) Général Serdar I. Voukotitch.
Y. Matanovitch.

CHAPTER XII

THE TRIPLE ALLIANCE

Tension between Germany and France, after 1871 — Tension between Germany and Russia after 1878 — Austro-German Alliance, 1879 — Publication, 1888 — Accession of Italy — Accession of Roumania — The question of *casus foederis*, 1914 — Form of the Italian accessions to Triple Alliance — Evidence from Turco-Italian War, 1911–12 — The Austro-Serbian War, 1914.

Texts : The Treaty of Vienna (1879) — The Triple Alliance (1903).

After the Franco-German War the centre of gravity in continental politics was transferred from Paris to Berlin. Peace and alliances were the order of the day in the place of rumours of, and preparations for, war. It is true that at one period in 1875 Germany, disturbed, it was said, by the marvellous recuperative power manifested by France ever since the conclusion of the Peace of Frankfort, displayed a certain liveliness which gave rise to some anxiety in Europe, but the pacifying influence exercised by Great Britain and Russia on that occasion smoothed matters over, and the apprehended difficulties were removed.

No sooner was the German Emperor established on his imperial throne than the Emperor of Austria visited him at Berlin in order to draw closer the bonds of friendship which united the two crowns. In the same manner the Tsar of Russia manifested that he was still animated with the traditions of the Holy Alliance. Later on the King of Italy visited Berlin, and many other European States sought the friendship of the new Empire. In 1872 the Emperors of Austria and Russia met the Kaiser at Berlin, where the arrangement known as the Dreikaiserbund was come to, concerning which Prince Gorchakoff, who accom-

panied his master, remarked that the best thing about the meeting was that nothing had been reduced to writing.

The Bulgarian troubles in 1876, the ensuing war between Russia and Turkey, and the subsequent Congress of the Powers in 1878 at Berlin have already been treated of. It only remains to surmise that the military successes of Russia in the war and her acquisition of territory in Asia Minor and on the Danube, as well as her increasing influence in the Balkans, contributed to render the Dreikaiserbund less satisfying in the view of the other two parties to it; and that Russia, robbed by the Treaty of Berlin of some of the spoils of victory, regarded Germany, as part author of the treaty, with eyes less friendly than of yore. It seems certain that the mutual confidence of Russia and Germany received a shock, and rumours of strained relations filled the air. But the meeting of the Tsar and the Kaiser at Alexandrovo in 1879 seemed to have removed the tension: 'Peace is again secured!' exclaimed the Kaiser. Nevertheless, Bismarck, shortly afterwards, visited Vienna, whence in due course he returned to Berlin with a Treaty of Defensive Alliance, dated October 7, 1879, concluded between Austria and Germany, and mainly directed against Russia.

According to the stipulation in Article III, the Treaty, 'in conformity with its peaceful character and to avoid any misinterpretation', was kept secret. This secrecy was maintained until the year 1888, when, for the same reasons, the two Governments determined to make it public.

It was published in the Berlin *Official Gazette* of February 3, 1888, with the following introductory note[1]:

'The Governments of Germany and of the Austro-Hungarian Monarchy have determined upon the publication of the Treaty concluded between them on the 7th October 1879, in order to put an end to doubts which

[1] *State Papers*, vol. lxxiii, p. 270.

have been entertained in various quarters of its purely defensive character, and have been turned to account for various ends. The two allied Governments are guided in their policy by the endeavour to maintain peace and to guard, as far as possible, against its disturbance; they are convinced that by making the contents of their Treaty of Alliance generally known they will exclude all possibility of doubt on this point, and have therefore resolved to publish it.'

Italy acceded to this treaty in 1882, although this fact is not alluded to in the above communication; and this tripartite arrangement is generally known as the Triple Alliance. Roumania also joined the group of the Triple Alliance in 1883, and repudiated it on August 30, 1916.[1]

On the outbreak of the European War in 1914, in reply to the German Government's intimation of the fact that ultimatums had been presented to France and Russia, and to the question, what were the intentions of Italy, the Italian Government replied: 'The war undertaken by Austria and the consequences which may result, had, in the words of the German Ambassador himself, an aggressive object. Both were therefore in conflict with the purely defensive character of the Triple Alliance, and in such circumstances Italy would remain neutral.'[2] In fact the war was not a defensive but an aggressive war, and for this reason the *casus foederis* under the terms of the Triple Alliance did not arise. The purely defensive character of the compact seems therefore to be established.

What particular form was assumed by the Italian Accession in May 1882 to the Austro-German Alliance is doubtful. No substantive document in this connexion appears to have been made public. It may have been effected by means of a diplomatic note or unilateral

[1] Mowat, *Select Treaties*, pp. 124–5, 129–32.
[2] *Parliamentary Paper*, 'Miscellaneous No. 6 (1914)', C. 7467, p. 75.

declaration, which perhaps merely announced the fact of the accession without reciting the terms of the compact. On a subsequent renewal of the Alliance, however, it is in evidence that in 1903 Italy signed a treaty with Austria (to which Germany was also a party), of which the stipulations in some respects differed from and were in excess of those of the original dual Alliance of 1879. Portions of this treaty were published by the Austrian Government in 1915, and reproduced in *The Times* newspaper of June 1 of that year.[1]

The articles (or clauses as they were there called) so published were three in number, namely III, IV, and VII, and contained the following stipulations: Article III provided that if one or two of the Contracting Parties were attacked by a Power or Powers not signatory of the treaty, all the Contracting Parties would have to join in the war. Article IV provided for benevolent neutrality of the Contracting Parties, in case one of their members, not being first attacked, should have to declare war on another Power.

Article VII was extremely important. It had special reference to the Balkans, and proclaimed the interest of Austria and Italy in maintaining the territorial *status quo* there. It stipulated that the two Powers should give each other full information concerning their own, or any other Power's intentions in the Balkans. Further, it was agreed that if either Italy or Austria should be obliged to change the *status quo* in the Balkans, the Adriatic or the Aegean, such change should be made by agreement with the other Power and on condition of compensation to it.

What induced Italy to join the Austro-German Alliance in its original form as published by the German Government, may be a matter of conjecture. Count Benedetti,[2]

[1] See Mowat, *Select Treaties and Documents*, 1916 edition, pp. 124 and 128.

[2] *Studies in Diplomacy*. Published by Heinemann, London, 1896.

a former French Ambassador at Berlin, was of opinion that the accession of Italy was the work of Bismarck, who impressed upon Italy that a newly constituted monarchy stood in need of powerful foreign alliances, his object being to separate Italy from France. However this may be, a more direct incentive may be discovered in the terms of the more recent renewal of the Alliance as quoted above (Article VII), and its references to the satisfaction of the interests and rightful claims of the parties thereto in the event of any future modification of the *status quo* in the Balkans. Here Italy no doubt had an eye to national aspirations as regards a possible extension of territory in the direction of Trieste. Conditions analogous to the stipulations of Article VII may or may not have formed a part of the original accession of Italy to the Alliance, but as to this there appears to be no official publication available.

This Article VII has been appealed to both by Austria and by Italy in connexion with the affairs of South-Eastern Europe.

In 1911, during the Turco-Italian War arising out of Italian action in Tripoli (the Libyan War), the Austrian Government declared that the action of Italy on the Ottoman Coast of Turkey in Europe or on the Islands of the Aegean Sea could not be permitted either by Austria or by Germany because it would be opposed to the Treaty of Alliance, it being held that bombardment of ports such as Salonika, Kavalla, &c., was opposed to the provisions of Article VII. In April 1912 the Austrian Government again protested because the Italian squadron before the Dardanelles had damaged the forts in replying to the shots that were fired upon it from these forts.[1] The Italian Government denied that their action had threatened the *status quo*, and maintained that the attitude of Austria, by encouraging

[1] *Italian Green Book, Diplomatic Documents*, 1915, English translation. Hodder & Stoughton, London.

and indirectly protecting Turkey, was a source of serious loss to Italy.

On the other hand, on the outbreak of the great European War in 1914, when Austrian troops invaded and occupied portions of Serbian territory, Italy in her turn protested against this disturbance of the *status quo* in the Balkans without a previous agreement being made as required by the terms of Article VII. A long correspondence ensued; territorial compensation was claimed by Italy; Austria proposed compensation at the expense of a third party (Albania); Italy refused, demanding Austrian territory. In the end Austria promised an insufficient cession in the Trentino, to be delayed until the end of the war. This idea Italy declined to entertain, and finally, in May 1915, withdrew from the Triple Alliance, and declared war against Austria on the 23rd of the same month. In August 1916 she also declared war against Germany.

Treaty of Alliance between Germany and Austria. Vienna, October 7, 1879.[1]

Considering that Their Majesties the German Emperor, King of Prussia, and the Emperor of Austria, King of Hungary, must esteem it as their incontestable duty as sovereigns to take care in all circumstances for the security of their empires and for the tranquillity of their peoples;

Considering that the two monarchs as in the previously existing confederation will be in a position, by a firm alliance of the two empires, to fulfil this duty more easily and more efficaciously;

Considering, finally, that an intimate accord between Germany and Austria-Hungary can menace nobody, but is, on the contrary, qualified to consolidate the peace of Europe created by the stipulations of the Treaty of Berlin;

Their Majesties the German Emperor and the Emperor of Austria, King of Hungary, promising one another never to give any aggressive tendency in any direction to their

[1] In German. *Nouveau Recueil*, 2me série, tome xv; *State Papers*, vol. lxxiii, p. 270.

purely defensive agreement, have resolved to conclude an alliance of peace and reciprocal protection.

With this object Their Majesties have named as their plenipotentiaries ;

For His Majesty the German Emperor his Ambassador and Plenipotentiary Extraordinary, Lieutenant-General Prince Henry VII of Reuss, &c., &c.

For His Majesty the Emperor of Austria, King of Hungary, his Privy Counsellor the Minister of the Imperial Household and of Foreign Affairs, Field-Marshal-Lieutenant Julius, Count Andrassy, &c.

Who have come together to-day, at Vienna, and after having exchanged their powers duly recognized as good and sufficient, have concluded what follows :

ARTICLE I. If, contrary to expectation and against the sincere desire of both the High Contracting Parties, one of the two Empires shall be attacked on the part of Russia, the High Contracting Parties are bound to assist each other with the whole of the military power of their Empire, and consequently only to conclude peace conjointly and by agreement.

ARTICLE II. Should one of the High Contracting Parties be attacked by another Power, the other High Contracting Party hereby engages not only not to assist the aggressor against his High Ally, but at the least to observe a benevolent neutral attitude with regard to the High Contracting Party.

If, however, in such a case the attacking Power should be supported on the part of Russia, whether by way of active co-operation, or by military measures which menace the attacked Power, then the obligation of reciprocal assistance with full military power, which is stipulated in the first article of this Treaty, will in this case enter immediately into effect, and the conduct of war of both the High Contracting Parties shall be then also in common until the joint conclusion of Peace.

ARTICLE III. This Treaty, in conformity with its pacific character and to prevent any misconstruction, shall be kept secret by both High Contracting Parties, and it will be communicated to a Third Power only with the consent of both Parties, and strictly according to a special agreement.

Both High Contracting Parties, in view of the senti-

ments expressed by the Emperor Alexander at the interview at Alexandrowo,[1] hope that the preparations of Russia will not prove in reality to be a menace to them, and for this reason they have for the present no occasion for a communication. But if, contrary to expectation, this hope should prove a vain one, the two High Contracting Parties will recognize it as a loyal obligation, to inform the Emperor Alexander at least confidentially that they must consider an attack against one of them as directed against both.

In witness whereof the Plenipotentiaries have signed this treaty with their own hand, and have affixed their seals.

Done at Vienna, the 7th October, 1879.

H. VII. P. REUSS. (L. S.)

ANDRASSY. (L. S.)

THE TRIPLE ALLIANCE. May 1882.

THE PUBLISHED SECTIONS OF THE TRIPLE ALLIANCE TREATY BETWEEN AUSTRIA AND ITALY (as renewed, May 20, 1903).[2]

CLAUSE III. In case one or two of the High Contracting Parties, without direct provocation on their part, should be attacked by one or more Great Powers not signatory of the present Treaty and should become involved in a war with them, the *casus foederis* would arise simultaneously for all the High Contracting Parties.

CLAUSE IV. In case a Great Power not signatory of the present Treaty should threaten the State security of one of the High Contracting Parties, and in case the threatened party should thereby be compelled to declare war against that Great Power, the two other contracting parties engage themselves to maintain benevolent neutrality towards their Ally. Each of them reserves its right, in this case, to

[1] September 3, 1879, in Posen. William I of Germany met Alexander II of Russia there, to try and allay the friction which existed between the two countries as a consequence of the Treaty of Berlin. The interview was cordial on both sides, but Bismarck was very dissatisfied with it. See P. Matter, *Bismarck* (1908), vol. iii, pp. 452–6; Busch, *Bismarck* (trans. 1898), vol. iii, pp. 257–66.

[2] *The Times*, June 1, 1915.

take part in the war if it thinks fit in order to make common cause with its Ally.

CLAUSE VII. Austria-Hungary and Italy, who have solely in view the maintenance, as far as possible, of the territorial *status quo* in the East, engage themselves to use their influence to prevent all territorial changes which might be disadvantageous to the one or the other of the Powers signatory of the present Treaty. To this end they will give reciprocally all information calculated to enlighten each other concerning their own intentions and those of other Powers. Should, however, the case arise that, in the course of events, the maintenance of the *status quo* in the territory of the Balkans or of the Ottoman coasts and islands in the Adriatic or the Aegean Seas becomes impossible, and that, either in consequence of the action of a third Power or for any other reason, Austria-Hungary or Italy should be obliged to change the *status quo* on their part by a temporary or permanent occupation, such occupation would only take place after previous agreement between the two Powers, which would have to be based upon the principle of a reciprocal compensation for all territorial or other advantages that either of them might acquire over and above the existing *status quo*, and would have to satisfy the interests and rightful claims of both parties.

APPENDIX

Preliminary Treaty of Peace between Russia and Turkey. Signed at San Stefano, February 19/ March 3, 1878.

His Majesty the Emperor of Russia and His Majesty the Emperor of the Ottomans, inspired with the wish of restoring and securing the blessings of peace to their countries and people, as well as of preventing any fresh complication which might imperil the same, have named as their Plenipotentiaries, with a view to draw up, conclude, and sign the Preliminaries of Peace :

His Majesty the Emperor of Russia on the one side, the Count Nicolas Ignatiew, &c., and Sieur Alexander Nelidow, &c.

And His Majesty the Emperor of the Ottomans on the other side, Safvet Pasha, &c., and Sadoullah Bey, &c.

Who, after having exchanged their full powers, which were found to be in good and proper form, have agreed to the following Articles :

Article I. In order to put an end to the perpetual conflicts between Turkey and Montenegro, the frontier which separates the two countries will be rectified, conformably to the map hereto annexed, subject to the reserve hereinafter mentioned, in the following manner :

From the mountain of Dobrostitza the frontier will follow the line indicated by the Conference of Constantinople as far as Korito by Bilek. Thence the new frontier will run to Gatzko (Metochia-Gatzko will belong to Montenegro), and towards the confluence of the Piva and the Tara, ascending towards the north by the Drina as far as its confluence with the Lim. The eastern frontier of the Principality will follow this last river as far as Prijepolje, and will proceed by Roshaj to Sukha-Planina (leaving Bihor and Roshaj to Montenegro). Taking in Bugovo, Plava, and Gusinje, the frontier line will follow the chain of mountains by Shlieb, Paklen, and along the northern frontier of Albania by the crests of the mountains Koprivnik, Babavik, Bor-vik, to the highest peak of

Prokleti. From that point the frontier will proceed by the summit of Biskaschik, and will run in a straight line to the Lake of Tjiceni-hoti. Dividing Tjiceni-hoti and Tjiceni-kastrati, it will cross the Lake of Scutari to the Boyana, the thalweg of which it will follow as far as the sea. Nichsich, Gatzko, Spouje, Podgoritza, Jabliak, and Antivari will remain to Montenegro.

A European Commission, on which the Sublime Porte and the Government of Montenegro shall be represented, will be charged with fixing the definite limits of the Principality, making on the spot such modifications in the general tracing as it may think necessary and equitable, from the point of view of the respective interests and tranquillity of the two countries, to which it will accord in this respect the equivalents deemed necessary.

The navigation of the Boyana having always given rise to disputes between the Sublime Porte and Montenegro, will be the subject of a special regulation, which will be prepared by the same European Commission.

ARTICLE II. The Sublime Porte recognizes definitively the independence of the Principality of Montenegro.

An understanding between the Imperial Government of Russia, the Ottoman Government, and the Principality of Montenegro will determine subsequently the character and form of the relations between the Sublime Porte and the Principality as regards particularly the establishment of Montenegrin Agents at Constantinople, and in certain localities of the Ottoman Empire, where the necessity for such agents shall be recognized, the extradition of fugitive criminals on the one territory or the other, and the subjection of Montenegrins travelling or sojourning in the Ottoman Empire to the Ottoman laws and authorities, according to the principles of international law and the established usages concerning the Montenegrins.

A Convention will be concluded between the Sublime Porte and Montenegro to regulate the questions connected with the relations between the inhabitants of the confines of the two countries and with the military works on the same confines. The points upon which an understanding cannot be established will be settled by the arbitration of Russia and Austria-Hungary.

Henceforward, if there is any discussion or conflict, except as regards new territorial demands, Turkey and Montenegro

will leave the settlement of their differences to Russia and Austria-Hungary, who will arbitrate in common.

The troops of Montenegro will be bound to evacuate the territory not comprised within the limits indicated above within ten days from the signature of the Preliminaries of Peace.

ARTICLE III. Servia is recognized as independent. Its frontier, marked on the annexed map, will follow the thalweg of the Drina, leaving Little Zwornik and Zakar to the Principality, and following the old limit as far as the sources of the stream Dezevo, near Stoilac. Thence the new line will follow the course of that stream as far as the River Raska, and then the course of the latter as far as Novi-Bazar.

From Novi-Bazar, ascending the stream which passes near the villages of Mekinje and Irgoviste as far as its source, the frontier line will run by Bosur Planina, in the valley of the Ibar, and will then descend the stream which falls into this river near the village of Ribanic.

The line will then follow the course of the Rivers Ibar, Sitnitza and Lab, and of the brook Batintze to its source (upon the Grapachnitza Planina). Thence the frontier will follow the heights which separate the waters of the Kriva and the Veternitza, and will meet the latter river by the shortest route at the mouth of the stream Miovatzka, which it will ascend, crossing the Miovatzka Planina and redescending towards the Morava, near the village of Kalimanci.

From this point the frontier will descend the Morava as far as the River Vlossina, near the village of Staïkovtzi. Reascending the latter river, as well as the Linberazda, and the brook Koukavitze, the line will pass by the Sukha Planina, will run along the stream Vrylo as far as the Nisawa, and will descend the said river as far as the village of Kronpatz, whence the line will rejoin by the shortest route the old Servian frontier to the south-east of Karaoul Baré, and will not leave it until it reaches the Danube.

Ada-Kale will be evacuated and razed.

A Turco-Servian Commission, assisted by a Russian Commissioner, will, within three months, arrange upon the spot the definite frontier line, and will definitely settle the questions relating to the islands of the Drina. A Bulgarian

delegate will be admitted to participate in the work of the Commission when it shall be engaged on the frontier between Servia and Bulgaria.

ARTICLE IV. The Mussulmans holding lands in the territories annexed to Servia, and who wish to reside out of the Principality, can preserve their real property by having them farmed out or administered by others. A Turco-Servian Commission, assisted by a Russian Commissioner, will be charged to decide absolutely, in the course of two years, all questions relating to the verification of real estate in which Mussulman interests are concerned.

This Commission will also be called upon to settle within three years the method of alienation of State property and of religious endowments (*Vacouf*), as well as the questions relative to the interests of private persons which may be involved. Until a direct Treaty is concluded between Turkey and Servia determining the character of the relations between the Sublime Porte and the Principality, Servian subjects travelling or sojourning in the Ottoman Empire shall be treated according to the general principles of international law.

The Servian troops shall be bound to evacuate the territory not comprised within the above-mentioned limits within fifteen days from the signature of the Preliminaries of Peace.

ARTICLE V. The Sublime Porte recognizes the independence of Roumania, which will establish its right to an indemnity, to be discussed between the two countries.

Until the conclusion of a direct Treaty between Turkey and Roumania, Roumanian subjects will enjoy in Turkey all the rights guaranteed to the subjects of other European Powers.

ARTICLE VI. Bulgaria is constituted an autonomous tributary Principality, with a Christian Government and a national militia.

The definitive frontiers of the Bulgarian Principality will be traced by a special Russo-Turkish Commission before the evacuation of Roumelia by the Imperial Russian army.

This Commission will, in working out the modifications to be made on the spot in the general tracing, take into account the principle of the nationality of the majority of the inhabitants of the border districts, conformably to the

Bases of Peace, and also the topographical necessities and practical interests of the intercommunication of the local population.

The extent of the Bulgarian Principality is laid down in general terms on the accompanying map, which will serve as a basis for the definitive fixing of the limits. Leaving the new frontier of the Servian Principality, the line will follow the western limit of the Caza of Wrania as far as the chain of the Kara-dagh. Turning towards the west, the line will follow the western limits of the Cazas of Koumanovo, Kotchani, Kalkandelen, to Mount Korab ; thence by the River Welestchitza as far as its junction with the black Drina. Turning towards the south by the Drina, and afterwards by the western limit of the Caza of Ochride towards Mount Linas, the frontier will follow the western limits of the Cazas of Gortcha and Starovo as far as Mount Grammos. Then by the Lake of Kastoria, the frontier line will rejoin the River Moglenitza, and after having followed its course, and passed to the south of Yanitza (Wardar Yenidje), will go by the mouth of the Warder and by the Galliko towards the villages of Parga and of Saraï-keui ; thence through the middle of Lake Bechik-Guel to the mouth of the Rivers Strouma and Karassou, and by the sea-coast as far as Buru-Guel ; thence striking north-west towards Mount Tchaltepe by the chain of Rhodope as far as Mount Krouschowo, by the Black Balkans (Kara-Balkan), by the mountains Eschekkoulatchi, Tchepelion, Karakolas, and Tschiklar, as far as the River Arda.

Thence the line will be traced in the direction of the town of Tchirmen, and leaving the town of Adrianople to the south, by the villages of Sugutlion, Kara-Hamza, Aronaut-keui, Akardji, and Enidje as far as the River Tekederessi. Following the Rivers Tekederessi and Tchorlouderessi as far as Loule-Bourgaz, and thence, by the River Soudjak-dere as far as the village of Serguen, the frontier line will go by the heights straight towards Hakimtabissai, where it will strike the Black Sea. It will leave the sea-coast near Mangalia, following the southern boundaries of the Sandjak of Toultcha, and will come out on the Danube above Rassova.

Article VII. The Prince of Bulgaria shall be freely elected by the population and confirmed by the Sublime Porte, with the assent of the Powers. No member of the

reigning dynasties of the great European Powers shall be capable of being elected Prince of Bulgaria.

In the event of the dignity of Prince of Bulgaria being vacant, the election of the new Prince shall be made subject to the same conditions and forms.

Before the election of the Prince, an Assembly of Bulgarian Notables, to be convoked at Philippopolis (Plowdiw) or Tyrnowo, shall draw up, under the superintendence of an Imperial Russian Commissioner, and in the presence of an Ottoman Commissioner, the organization of the future administration, in conformity with the precedents established in 1830 after the Peace of Adrianople, in the Danubian Principalities.

In the localities where Bulgarians are mixed with Turks, Greeks, Wallachians (Koutzo-Vlachs), or others, proper account is to be taken of the rights and interests of these populations in the elections and in the preparation of the Organic Laws.

The introduction of the new system into Bulgaria, and the superintendence of its working, will be intrusted for two years to an Imperial Russian Commissioner. At the expiration of the first year after the introduction of the new system, and if an understanding on this subject has been established between Russia, the Sublime Porte, and the Cabinets of Europe, they can, if it is deemed necessary, associate Special Delegates with the Imperial Russian Commissioner.

ARTICLE VIII. The Ottoman army will no longer remain in Bulgaria, and all the ancient fortresses will be razed at the expense of the local Government. The Sublime Porte will have the right to dispose, as it sees fit, of the war material and of the other property belonging to the Ottoman Government which may have been left in the Danubian fortresses already evacuated in accordance with the terms of the Armistice of the $\frac{19\text{th}}{31\text{st}}$ January, as well as of that in the strongholds of Schoumla and Varna.

Until the complete formation of a native militia sufficient to preserve order, security, and tranquillity, and the strength of which will be fixed later on by an understanding between the Ottoman Government and the Imperial Russian Cabinet, Russian troops will occupy the country, and will give armed assistance to the Commissioner in case of need. This occupation will also be limited to a term approximating to two years.

The strength of the Russian army of occupation to be composed of six divisions of infantry and two of cavalry, which will remain in Bulgaria after the evacuation of Turkey by the Imperial army, shall not exceed 50,000 men. It will be maintained at the expense of the country occupied. The Russian troops of occupation in Bulgaria will maintain their communications with Russia, not only through Roumania, but also by the ports of the Black Sea, Varna, and Bourgas, where they may organize, for the term of the occupation, the necessary dépôts.

ARTICLE IX. The amount of the annual tribute which Bulgaria is to pay the Suzerain Court, by transmitting it to a bank to be hereafter named by the Sublime Porte, will be determined by an agreement between Russia, the Ottoman Government, and the other Cabinets, at the end of the first year during which the new organization shall be in operation. This tribute will be calculated on the average revenue of all the territory which is to form part of the Principality.

Bulgaria will take upon itself the obligations of the Imperial Ottoman Government towards the Rustchuk and Varna Railway Company, after an agreement has been come to between the Sublime Porte, the Government of the Principality, and the Directors of this Company. The regulations as to the other railways (*voies ferrées*) which cross the Principality are also reserved for an agreement between the Sublime Porte, the Government established in Bulgaria, and the Directors of the Companies concerned.

ARTICLE X. The Sublime Porte shall have the right to make use of Bulgaria for the transport by fixed routes of its troops, munitions, and provisions to the provinces beyond the Principality, and *vice versa*. In order to avoid difficulties and misunderstandings in the application of this right, while guaranteeing the military necessities of the Sublime Porte, a special regulation will lay down the conditions of it within three months after the ratification of the present Act by an understanding between the Sublime Porte and the Bulgarian Government.

It is fully understood that this right is limited to the regular Ottoman troops, and that the irregulars, the Bashi-Bazouks, and the Circassians will be absolutely excluded from it.

The Sublime Porte also reserves to itself the right of

sending its postal service through the Principality, and of maintaining telegraphic communication. These two points shall also be determined in the manner and within the period of time indicated above.

ARTICLE XI. The Mussulman proprietors or others who fix their personal residence outside the Principality may retain their estates by having them farmed or administered by others. Turco-Bulgarian Commissions shall sit in the principal centres of population, under the superintendence of Russian Commissioners, to decide absolutely in the course of two years all questions relative to the verification of real property, in which either Mussulmans or others may be interested. Similar commissions will be charged with the duty of regulating within two years all questions relative to the mode of alienation, working, or use for the benefit of the Sublime Porte of the property of the State, and of the religious endowments (*Vacouf*).

At the expiration of the two years mentioned above all properties which shall not have been claimed shall be sold by public auction, and the proceeds thereof shall be devoted to the support of the widows and orphans, Mussulman as well as Christian, victims of the recent events.

ARTICLE XII. All the Danubian fortresses shall be razed. There shall be no strongholds in future on the banks of this river, nor any men-of-war in the waters of the Principalities of Roumania, Servia, and Bulgaria, except the usual 'stationnaires' and the small vessels intended for river-police and Custom-house purposes.

The rights, obligations, and prerogatives of the International Commission of the Lower Danube are maintained intact.

ARTICLE XIII. The Sublime Porte undertakes to render the passage of Soulina again navigable, and to indemnify the private individuals who have suffered loss by the war and the interruption of the navigation of the Danube, applying for this double charge a sum of five hundred thousand francs from the amount due to the Sublime Porte from the Danubian Commission.

ARTICLE XIV. The European proposals communicated to the Ottoman Plenipotentiaries at the first sitting of the Constantinople Conference shall immediately be introduced into Bosnia and Herzegovina, with any modifications which may be agreed upon in common between the Sublime

Porte, the Government of Russia, and that of Austria-Hungary.

The payment of arrears of taxes shall not be required, and the current revenues of these provinces until the 1st March, 1880, shall be exclusively applied to indemnify the families of refugees and inhabitants, victims of recent events, without distinction of race or creed, as well as to the local needs of the country. The sum to be received annually after this period by the Central Government shall be subsequently fixed by a special understanding between Turkey, Russia, and Austria-Hungary.

ARTICLE XV. The Sublime Porte engages to apply scrupulously in the Island of Crete the Organic Law of 1868, taking into account the previously-expressed wishes of the native population.

An analogous law adapted to local requirements shall likewise be introduced into Epirus, Thessaly, and the other parts of Turkey in Europe, for which a special constitution is not provided by the present Act.

Special Commissions, in which the native population will be largely represented, shall in each province be entrusted with the task of elaborating the details of the new organization, and the result of their labours shall be submitted to the Sublime Porte, who will consult the Imperial Government of Russia before carrying it into effect.

ARTICLE XVI. As the evacuation by the Russian troops of the territory which they occupy in Armenia, and which is to be restored to Turkey, might give rise to conflicts and complications detrimental to the maintenance of good relations between the two countries, the Sublime Porte engages to carry into effect, without further delay, the improvements and reforms demanded by local requirements in the provinces inhabited by Armenians, and to guarantee their security from Kurds and Circassians.

ARTICLE XVII. A full and complete amnesty is granted by the Sublime Porte to all Ottoman subjects compromised by recent events, and all persons imprisoned on this account or sent into exile shall be immediately set at liberty.

ARTICLE XVIII. The Sublime Porte will take into serious consideration the opinion expressed by the Commissioners of the Mediating Powers as regards the possession of the town of Khotour, and engages to have the works of

the definitive delimitation of the Turco-Persian Boundary carried into effect.

ARTICLE XIX. The war indemnities and the losses imposed on Russia which His Majesty the Emperor of Russia claims, and which the Sublime Porte has bound itself to reimburse to him, consist of—

(*a*) 900,000,000 roubles for war expenses (maintenance of the army, replacing of war material, and war contracts).

(*b*) 400,000,000 roubles on account of damage done to the south coast of Russia, to her export commerce, to her industries, and to her railways.

(*c*) 100,000,000 roubles for injuries inflicted on the Caucasus by the invasion; and,

(*d*) 10,000,000 roubles for costs and damages of Russian subjects and establishments in Turkey.

Total, 1,410,000,000 roubles.

Taking into consideration the financial embarrassments of Turkey, and in accordance with the wishes of His Majesty the Sultan, the Emperor of Russia consents to substitute for the payment of the greater part of the moneys enumerated in the above paragraph, the following territorial cessions:

(*a*) The Sandjak of Toultcha, that is to say, the districts (Cazas) of Kilia, Soulina, Mahmoudié, Isaktcha, Toultcha, Matchine, Babadagh, Hirsowo, Kustendje, and Medjidie, as well as the Delta Islands and the Isle of Serpents.

Not wishing, however, to annex this territory and the Delta Islands, Russia reserves the right of exchanging them for the part of Bessarabia detached from her by the Treaty of 1856, and which is bounded on the south by the thalweg of the Kilia branch and the mouth of the Stary-Stamboul.

The question of the apportionment of waters and fisheries shall be determined by a Russo-Roumanian Commission within a year after the ratification of the Treaty of Peace.

(*b*) Ardahan, Kars, Batoum, Bayazet, and the territory as far as the Saganlough.

In its general outline, the frontier line, leaving the Black Sea coast, will follow the crest of the mountains which separate the affluents of the River Hopa from those of the River Tcharokh, and the chain of mountains to the south of the town of Artwin up to the River Tcharokh, near the villages of Alat and Bechaget; then the frontier will pass by the peaks of Mounts Dervenikghek, Hortchezor, and Bedjiguin-Dagh, by the crest which separates the affluents

of the Rivers Tortoum-tchaï and the Tcharokh by the heights near Zaily-Vihine, coming down at the village Vihine-Kilissa to the River Tortoum-chaï; thence it will follow the Sivridagh Chain to the pass (*col*) of the same name, passing south of the village of Noriman; then it will turn to the south-east and go to Zivine, whence the frontier, passing west of the road which leads from Zivine to the villages of Ardost and Horassan, will turn south by the Saganlough Chain to the village of Gilitchman; then by the crest of the Charian-Dagh it will arrive, ten versts south of Hamour, at the Mourad-tchai defile; then the line will follow the crest of the Alla-Dagh and the summits of the Hori and Tandourek, and, passing south of the Bayazet Valley, will proceed to rejoin the old Turco-Persian frontier to the south of the lake of Kazli-gueul.

The definitive limits of the territory annexed to Russia, and indicated on the map hereto appended, will be fixed by a Commission composed of Russian and Ottoman delegates.

This Commission in its labours will take into account the topography of localities, as well as considerations of good administration and other conditions calculated to insure the tranquillity of the country.

(*c*) The territories mentioned in paragraphs (*a*) and (*b*) are ceded to Russia as an equivalent for the sum of one milliard and one hundred million roubles. As for the rest of the indemnity, apart from the 10,000,000 of roubles intended to indemnify Russian interests and establishments in Turkey—namely, 300,000,000 of roubles—the mode of payment and guarantee of that sum shall be settled by an understanding between the Imperial Government of Russia and that of His Majesty the Sultan.

(*d*) The 10,000,000 roubles claimed as indemnity for the Russian subjects and establishments in Turkey shall be paid as soon as the claims of those interested are examined by the Russian Embassy at Constantinople and handed to the Sublime Porte.

ARTICLE XX. The Sublime Porte will take effective steps to put an amicable end to the lawsuits of Russian subjects pending for several years, to indemnify the latter if need be, and to carry into effect without delay all judgments passed.

ARTICLE XXI. The inhabitants of the districts ceded to Russia who wish to take up their residence out of these territories will be free to retire on selling all their real property.

For this purpose an interval of three years is granted them, counting from the date of ratification of the present Act.

On the expiration of that time those of the inhabitants who shall not have sold their real property and left the country shall remain Russian subjects.

Real property belonging to the State, or to religious establishments situated out of the localities aforesaid, shall be sold within the same interval of three years as shall be arranged by a special Russo-Turkish Commission. The same Commission shall be intrusted with determining how the Ottoman Government is to remove its war material, munitions, supplies, and other State property actually in the forts, towns, and localities ceded to Russia, and not at present occupied by Russian troops.

ARTICLE XXII. Russian ecclesiastics, pilgrims, and monks travelling or sojourning in Turkey in Europe or in Asia shall enjoy the same rights, advantages, and privileges as the foreign ecclesiastics of any other nationality.

The right of official protection by the Imperial Embassy and Russian Consulates in Turkey is recognized, both as regards the persons above-mentioned, and their possessions, religious houses, charitable institutions, &c., in the Holy Places and elsewhere.

The monks of Mount Athos, of Russian origin, shall be maintained in all their possessions and former privileges, and shall continue to enjoy in the three convents belonging to them and in the adjoining buildings the same rights and privileges as are assured to the other religious establishments and convents of Mount Athos.

ARTICLE XXIII. All the Treaties, Conventions, and agreements previously concluded between the two High Contracting Parties relative to commerce, jurisdiction, and the position of Russian subjects in Turkey, and which had been abrogated by the state of war, shall come into force again, with the exception of the clauses affected by the present Act. The two Governments will be placed again in the same relation to one another, with respect to all their engagements and commercial and other relations, as they were in before the declaration of war.

ARTICLE XXIV. The Bosphorus and the Dardanelles shall remain open in time of war as in time of peace to the merchant-vessels of neutral States arriving from or bound to Russian ports. The Sublime Porte consequently engages

never henceforth to establish at the ports of the Black Sea and the Sea of Azow, a fictitious blockade (*blocus fictif*), at variance with the spirit of the Declaration signed at Paris on the $\frac{4}{16}$ April, 1856.

ARTICLE XXV. The complete evacuation of Turkey in Europe, with the exception of Bulgaria, by the Russian army will take place within three months after the conclusion of the definitive peace between His Majesty the Emperor of Russia and His Majesty the Sultan.

In order to save time, and to avoid the cost of the prolonged maintenance of the Russian troops in Turkey and Roumania, part of the Imperial army may proceed to the ports of the Black Sea and the Sea of Marmora, to be there shipped in vessels belonging to the Russian Government or chartered for the occasion.

The evacuation of Turkey in Asia will be effected within the space of six months, dating from the conclusion of the definitive peace, and the Russian troops will be entitled to take ship at Trebizond in order to return by the Caucasus or the Crimea.

The operations of the evacuation will begin immediately after the exchange of ratifications.

ARTICLE XXVI. As long as the Imperial Russian troops remain in the localities which, in conformity with the present Act, will be restored to the Sublime Porte, the administration and order of affairs will continue in the same state as has existed since the occupation. The Sublime Porte will not participate therein during all that time, nor until the entire departure of all the troops.

The Ottoman forces shall not enter the places to be restored to the Sublime Porte, and the Sublime Porte cannot begin to exercise its authority there until notice of each fortress and province having been evacuated by the Russian troops shall have been given by the Commander of these troops to the officer appointed for this purpose by the Sublime Porte.

ARTICLE XXVII. The Sublime Porte undertakes not to punish in any manner, or allow to be punished, those Ottoman subjects who may have been compromised by their relations with the Russian army during the war. In the event of any persons wishing to withdraw with their families when the Russian troops leave, the Ottoman authorities shall not oppose their departure.

ARTICLE XXVIII. Immediately upon the ratification of the Preliminaries of Peace, the prisoners of war shall be reciprocally restored under the care of special Commissioners appointed on both sides, who for this purpose shall go to Odessa and Sebastopol. The Ottoman Government will pay all the expenses of the maintenance of the prisoners that are returned to them, in eighteen equal instalments in the space of six years, in accordance with the accounts that will be drawn up by the above-mentioned Commissioners.

The exchange of prisoners between the Ottoman Government and the Governments of Roumania, Servia, and Montenegro will be made on the same basis, deducting, however, in the account, the number of prisoners restored by the Ottoman Government from the number of prisoners that will have to be restored to that Government.

ARTICLE XXIX. The present Act shall be ratified by their Imperial Majesties the Emperor of Russia and the Emperor of the Ottomans, and the ratifications shall be exchanged in fifteen days, or sooner if possible, at St. Petersburgh, where likewise an agreement shall be come to as to the place and the time at which the stipulations of the present Act shall be invested with all the solemn forms usually observed in Treaties of Peace. It is, however, well understood that the High Contracting Parties consider themselves as formally bound by the present Act from the moment of its ratification.

In witness whereof the respective Plenipotentiaries have appended their signatures and seals to the present Act.

Done at San Stefano, the $\frac{\text{nineteenth February}}{\text{third March}}$, one thousand eight hundred and seventy-eight.

Cte. N. IGNATIEW.	SAFVET.
NELIDOW.	SADOULLAH.

Final paragraph of Article XI of the Act of the Preliminaries of Peace signed this day, $\frac{\text{February 19}}{\text{March 3}}$, 1878, which was omitted, and which should form an integral part of the said Article :

The inhabitants of the Principality of Bulgaria when travelling or sojourning in the other parts of the Ottoman Empire shall be subject to the Ottoman laws and authorities.

(The same signatures.)

San Stefano, $\frac{\text{February 19}}{\text{March 3}}$, 1878.

CHRONOLOGICAL TABLE

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,, ,, 'R' ,, Documents and events referred to.
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